

In the Matter of:

FTC v. Zaappaaz, LLC, et al.

December 14, 2021

Azim Makanojiya

Vol. 3

Condensed Transcript with Word Index



For The Record, Inc.

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<p>1 FEDERAL TRADE COMMISSION</p> <p>2</p> <p>3 FEDERAL TRADE COMMISSION,)</p> <p>4 Plaintiff,)</p> <p>5 and) Civil Matter No.</p> <p>6 ZAAPPAAZ, LLC, also d/b/a) 4:20-cv-2717</p> <p>7 Wrist-Band.com,)</p> <p>8 WBpromotion.com,)</p> <p>9 CustomLanyard.net, and WB)</p> <p>10 Promotions; and)</p> <p>11 AZIM MAKANOJIYA, individually)</p> <p>12 and as an officer of)</p> <p>13 ZAAPPAAZ, LLC,)</p> <p>14 Defendants.)</p> <p>15 -----)</p> <p>16 Tuesday, December 14, 2021</p> <p>17 Via Zoom Videoconference</p> <p>18</p> <p>19 The above-entitled matter came on for</p> <p>20 deposition, pursuant to notice, at 10:35 a.m., for the</p> <p>21 testimony of:</p> <p>22 AZIM MAKANOJIYA</p> <p>23</p> <p>24</p> <p>25 Reported by: Deborah Wehr, RPR</p>	<p>1 I N D E X</p> <p>2</p> <p>3 EXAMINATION PAGE</p> <p>4 By Ms. Schaefer 503</p> <p>5 By Mr. Blanchard 701</p> <p>6</p> <p>7 EXHIBIT DESCRIPTION PAGE</p> <p>8 No. 56 Deposition notice 505</p> <p>9 No. 57 Spreadsheet 510</p> <p>10 No. 58 Source chart 575</p> <p>11 No. 59 Source chart 587</p> <p>12 No. 60 Source chart 589</p> <p>13 No. 61 Spreadsheet 596</p> <p>14 No. 62 Spreadsheet 596</p> <p>15 No. 63 Spreadsheet 600</p> <p>16 No. 64 UPS spreadsheet 600</p> <p>17 No. 65 Spreadsheet 602</p> <p>18 No. 66 WhatsApp transcript 606</p> <p>19 No. 67 WhatsApp transcript 650</p> <p>20 No. 68 Trello chart 670</p> <p>21 No. 69 Trello chart 671</p> <p>22 No. 70 7/10/20 e-mail 676</p> <p>23 No. 71 Spreadsheet 685</p> <p>24 No. 72 FedEx invoice 687</p> <p>25 (Exhibits continued on next page.)</p>
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<p>1 APPEARANCES:</p> <p>2</p> <p>3 ON BEHALF OF THE FEDERAL TRADE COMMISSION:</p> <p>4 MICHELLE SCHAEFER, ESQUIRE</p> <p>5 ANNE COLLESANO, ESQUIRE</p> <p>6 Federal Trade Commission</p> <p>7 600 Pennsylvania Avenue, N.W.</p> <p>8 Washington, D.C. 20580</p> <p>9 (202) 326-3515</p> <p>10 mschaefer@ftc.gov</p> <p>11</p> <p>12 ON BEHALF OF THE WITNESS:</p> <p>13 MICHAEL J. BLANCHARD, ESQUIRE</p> <p>14 Butch Boyd Law Firm</p> <p>15 2905 Sackett Street</p> <p>16 Houston, Texas 77098</p> <p>17 (713) 238-7724</p> <p>18 mikeblanchard@butchboydlawfirm.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 (Exhibits continued.)</p> <p>2</p> <p>3 EXHIBIT DESCRIPTION PAGE</p> <p>4 No. 73 WhatsApp transcript 690</p> <p>5 No. 74 8/14/20 e-mail 691</p> <p>6 No. 75 WhatsApp transcript 692</p> <p>7 No. 76 11/12/20 e-mail 696</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">503</p> <p>1 PROCEEDINGS</p> <p>2 - - - - -</p> <p>3 STIPULATION:</p> <p>4 All counsel present stipulate that the witness shall be</p> <p>5 sworn remotely by the court reporter.</p> <p>6 - - - - -</p> <p>7 Whereupon --</p> <p>8 AZIM MAKANOJIYA,</p> <p>9 a witness, called for examination, having been</p> <p>10 first duly sworn, was examined and testified as</p> <p>11 follows:</p> <p>12 EXAMINATION</p> <p>13 BY MS. SCHAEFER:</p> <p>14 Q. Good morning, Mr. Makanojiya.</p> <p>15 A. Good morning.</p> <p>16 Q. Thank you for being here today. As you know,</p> <p>17 I'm Michelle Schaefer, and I represent the FTC in this</p> <p>18 matter. I'm here today with my colleague, Anne</p> <p>19 Collesano, who also represents the FTC. As you know,</p> <p>20 we are conducting this deposition virtually. We are</p> <p>21 using Zoom to see each other and hear each other, and</p> <p>22 we are using Agile Law to share documents. Before we</p> <p>23 went on the record, we confirmed that we could see and</p> <p>24 we could hear each other.</p> <p>25 MS. SCHAEFER: Mr. Blanchard, can you go ahead</p>	<p style="text-align: right;">505</p> <p>1 quickly. We are here today because Judge Palermo</p> <p>2 ordered you to provide additional 30(b)(6) testimony,</p> <p>3 and you also had agreed to provide testimony as you</p> <p>4 have produced new documents. I'll be asking you a</p> <p>5 series of questions. You are required to respond</p> <p>6 truthfully and honestly because you took an oath. Do</p> <p>7 you understand that?</p> <p>8 A. I do.</p> <p>9 Q. If you don't understand a question, let me</p> <p>10 know. I'll do my best to clarify it. Because the</p> <p>11 court reporter is taking everything down, it's</p> <p>12 important that you give all verbal responses and no</p> <p>13 mumbling and yes and noes and no mm-hm, huh-uh. Also</p> <p>14 let's try to not interrupt each other so that she can</p> <p>15 take everything down clearly. If you want a break, let</p> <p>16 me know. Are you currently under the influence of any</p> <p>17 medication that would affect your ability to testify?</p> <p>18 A. No.</p> <p>19 Q. So I'm going to go ahead and mark the first</p> <p>20 exhibit. We are going to start with 56 because at the</p> <p>21 last deposition we finished with 55.</p> <p>22 (Zaappaaz Deposition Exhibit Number 56 was</p> <p>23 marked for identification.)</p> <p>24 BY MS. SCHAEFER:</p> <p>25 Q. Do you see the document?</p>
<p style="text-align: right;">504</p> <p>1 and introduce yourself.</p> <p>2 MR. BLANCHARD: This is Mike Blanchard</p> <p>3 representing the defendants.</p> <p>4 MS. SCHAEFER: Is anyone else here right now or</p> <p>5 on the phone?</p> <p>6 MR. BLANCHARD: No. There is nobody else in</p> <p>7 the conference room and nobody else on the phone, as</p> <p>8 far as I know.</p> <p>9 MS. SCHAEFER: And are you planning on having</p> <p>10 anyone join today?</p> <p>11 MR. BLANCHARD: No.</p> <p>12 MS. SCHAEFER: And just so we have this for the</p> <p>13 record, previously you had indicated that we might have</p> <p>14 some, I think, developers on the line from India to</p> <p>15 help with some questions about the chart we are going</p> <p>16 to be discussing with shipping and financial records.</p> <p>17 Is that no longer the case?</p> <p>18 MR. BLANCHARD: No, that person is available by</p> <p>19 phone. So what I would hope to do is if you ask a</p> <p>20 question that he needs assistance on, he can have that</p> <p>21 call, come back on the record and testify under oath to</p> <p>22 respond to your question.</p> <p>23 MS. SCHAEFER: Okay. Sounds good. Thank you.</p> <p>24 BY MS. SCHAEFER:</p> <p>25 Q. So let's just go over the ground rules really</p>	<p style="text-align: right;">506</p> <p>1 A. Yes.</p> <p>2 Q. Okay. So I have marked as Zaappaaz 56 the</p> <p>3 30(b)(6) deposition notice that was served on Zaappaaz.</p> <p>4 Have you seen this document before?</p> <p>5 A. Yes.</p> <p>6 Q. And this notice listed a number of topics on</p> <p>7 which Zaappaaz was required to designate someone to</p> <p>8 provide testimony on the company's behalf. You have</p> <p>9 been offered as the company's designated representative</p> <p>10 to testify about the topics of this notice; is that</p> <p>11 right?</p> <p>12 A. Correct.</p> <p>13 Q. You are also an individual defendant and your</p> <p>14 personal deposition is noticed for today; is that</p> <p>15 right?</p> <p>16 A. Correct.</p> <p>17 Q. And so like we did on August -- I'm sorry?</p> <p>18 MR. BLANCHARD: Nothing.</p> <p>19 BY MS. SCHAEFER:</p> <p>20 Q. I thought I heard something. Like we did at</p> <p>21 the August 11th and 12th depositions, I'll do my best</p> <p>22 to indicate when I'm asking a question about Zaappaaz</p> <p>23 or about you personally.</p> <p>24 What did you do to prepare for today's</p> <p>25 deposition?</p>

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1 A. Went through the documents that were provided
2 to me, the Excel sheet and other documents that my
3 lawyers to provided to me to review.

4 **Q. Who provided them to you?**

5 A. My counsel.

6 **Q. Okay. And you said what were the documents?**

7 **An Excel spreadsheet?**

8 A. There were multiple documents throughout the
9 period from the last deposition, but Excel
10 spreadsheets, transcripts.

11 **Q. Did you meet with your counsel?**

12 A. I had not met him but I had spoken with him on
13 the phone.

14 **Q. How many times did you speak?**

15 A. I don't know. It's been a lot.

16 **Q. Was it between three and five times?**

17 A. More.

18 MR. BLANCHARD: Objection. Asked and answered.

19 BY MS. SCHAEFER:

20 **Q. Was it between five and ten calls?**

21 MR. BLANCHARD: Objection. Asked and answered.

22 BY MS. SCHAEFER:

23 **Q. You can still answer if he objects.**

24 A. I don't know. I wouldn't be able to give you
25 the right answer. Maybe ten-plus calls.

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1 **Q. How many hours would you say you spent**
2 **preparing?**

3 A. I don't know, throughout the period, maybe
4 spent almost 40 hours.

5 **Q. Between the last deposition and this**
6 **deposition?**

7 A. Approximately, yes.

8 **Q. And did you meet with anyone else in**
9 **preparation for today's deposition?**

10 A. No.

11 **Q. I'm opening the spreadsheet. Can you guys see**
12 **my screen?**

13 MR. BLANCHARD: Not yet. There it is.

14 MS. SCHAEFER: Do you see it?

15 MR. BLANCHARD: Yep. And just, Azim, do you
16 have the spreadsheet? Michelle, if you want to refer
17 to column numbers and cells and things, he's got it up
18 on a screen right in front of him.

19 MS. SCHAEFER: Okay.

20 BY MS. SCHAEFER:

21 **Q. Are you familiar with this document?**

22 A. I am.

23 **Q. And what is this document?**

24 A. A list of all PPE orders.

25 **Q. And who prepared this document?**

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1 A. Multiple people. We had a developer pull the
2 data from our back end.

3 **Q. And what is the back end?**

4 A. The database.

5 **Q. Okay. And that is the database that contains**
6 **all your shipping records; is that correct?**

7 A. All my order records, yes.

8 **Q. All your what records?**

9 A. Order records.

10 **Q. Okay. So all of the information in this**
11 **spreadsheet came from your back end?**

12 A. No, other shipping data came from Fed Ex, UPS,
13 USPS and the respective carriers' websites.

14 **Q. What do you mean the respective carriers'**
15 **websites?**

16 A. DHL is the only one that I missed. But, yes,
17 FedEx.com, UPS.com, DHL.com.

18 **Q. Okay. Let's go to this reference tab. Well,**
19 **before we go on, I think I interrupted you. So you**
20 **were talking about who helped prepare this spreadsheet.**

21 A. My developer.

22 **Q. What is his name?**

23 A. Priyank.

24 **Q. Anyone else?**

25 A. Yes, a contractor that's familiar with how to

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1 organize data.

2 **Q. Did you hire that contractor just for purposes**
3 **of this spreadsheet?**

4 A. That's correct.

5 **Q. And what does it mean to be familiar with**
6 **organizing data?**

7 A. This is a lot of data coming from a lot of
8 places, so to put them into a spreadsheet and compiling
9 it is no easy task. So it takes a lot of man hours to
10 do that. So I don't know what it entails individually,
11 but we give him all the data and he merges it all in
12 into a single spreadsheet.

13 **Q. I do want to just note for the record I don't**
14 **think I clearly identified this exhibit. This is**
15 **Zaappaaz Exhibit 57.**

16 **(Zaappaaz Deposition Exhibit Number 57 was**
17 **marked for identification.)**

18 BY MS. SCHAEFER:

19 **Q. And it's the spreadsheet's Bates number**
20 **Zaappaaz 0020596. So did anyone else help with this**
21 **spreadsheet?**

22 A. No.

23 **Q. So it was just Priyank and this expert in --**

24 A. Andrei is the name, A-N-D-R-E-I.

25 **Q. Andrei. And is Andrei in the United States?**

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1 A. He is in the Philippines.

2 **Q. How did you find Andrei?**

3 A. Through subcontract websites. He was not hired
4 specifically for this sheet. He's done work maybe here
5 and there. So I just wanted to clarify that.

6 **Q. Does this spreadsheet contain all the -- and I**
7 **also just wanted to mention that we will be using the**
8 **definition of covered products, as we've done before,**
9 **that is identified in the 30(b)(6) notice.**

10 **So does this encompass all the covered product**
11 **sales that Zaappaaz made between March 2020 and**
12 **December 2020?**

13 A. Correct.

14 **Q. Does it only contain data related to covered**
15 **products?**

16 A. I believe so, correct.

17 **Q. Does it contain all refunds to consumers**
18 **related to the sale of covered products?**

19 A. I won't say all of them, but as much as we
20 could compile and bring into this, yes.

21 **Q. Why wouldn't it contain all of it?**

22 A. This sheet contains our back end, which is our
23 database. It contains FedEx data, UPS data, these are
24 all independent data. So you are getting, I'll assume,
25 probably 15 sheets were taken and merged into this. We

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1 had multiple processors that we had to compile data
2 from. We had multiple online processors such as
3 Paypal. We had Stripe. We had Braintree, which we had
4 compiled and tracked data from and we had to merge it
5 into this. So we did the best we could in terms of
6 merging all that data into it. Our system does not
7 track refunds or at this time it did not have a
8 functional aspect to track refunds.

9 **Q. And so in order to track them, did you have to**
10 **bring in all this information from these different**
11 **platforms you just identified?**

12 A. Correct.

13 **Q. And do you track refunds now?**

14 A. We do.

15 **Q. And how do you -- when did you start tracking**
16 **them?**

17 A. About two months ago.

18 **Q. How do you track them?**

19 A. Directly with processors.

20 **Q. What was that?**

21 A. We connect everything with these processors.

22 **Q. What does it mean to connect directly with the**
23 **processors?**

24 A. We have an open communication with them.
25 Before we were manually doing this, but now we have an

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1 open communication. If a refund is done, it also gets
2 logged in our back end.

3 **Q. Okay. And when you talk about refunds, are you**
4 **encompassing chargebacks in refunds or are you talking**
5 **about refunds as being distinct from chargebacks?**

6 A. There's refunds, there's chargebacks, there's
7 fraudulent which is kind of a sub category of
8 chargebacks. Product not satisfied is a sub category
9 of chargebacks, but all that entails into refund and
10 chargebacks.

11 **Q. So you said there's refunds, chargebacks,**
12 **fraudulent chargebacks and what was the last one?**

13 A. I'm just trying to tell you chargebacks has
14 multiple sub categories in that. I think you might
15 find that in the sheet.

16 **Q. But my question is really just about are you**
17 **saying that a chargeback is considered different than a**
18 **fraudulent chargeback?**

19 A. Absolutely. Well, I mean, a chargeback is a
20 general definition of what it is, meaning a customer
21 had some issue with the order. Now, it could be that
22 someone used his card and he was not knowingly known
23 about the purchasing. That's considered a fraudulent
24 chargeback. Product not satisfactory, they received a
25 product that they were not satisfied of. That's a

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1 chargeback. So there's multiple definitions of a
2 chargeback.

3 **Q. So I guess what you are saying is there's the**
4 **definition of the chargeback and then various reasons**
5 **why one would occur?**

6 A. Correct.

7 **Q. And my question is so just in terms of the**
8 **broader category of chargebacks that encompass all the**
9 **other specific reasons for the chargeback, when you**
10 **talk about refunds and that you didn't track them at**
11 **first and then you said now you do, are you**
12 **encompassing chargebacks within that category?**

13 A. No.

14 **Q. So do you track chargebacks now?**

15 A. We do.

16 **Q. And when did you start tracking chargebacks?**

17 A. About maybe three months ago.

18 **Q. Prior to that, you did not track --**

19 A. Clarify. We always tracked chargebacks. We
20 just didn't have a way to automate it where it was
21 logged into our back end. But now within the last
22 three months, we now are able to log it into our back
23 end.

24 **Q. I see. And so how would you track chargebacks**
25 **before you actually put them in the back end?**

<p style="text-align: right;">515</p> <p>1 A. There would be notifications that there's a</p> <p>2 chargeback on an order.</p> <p>3 Q. Were those e-mails stored in any places?</p> <p>4 A. I mean, they would send an automated e-mail.</p> <p>5 Q. How would you track refunds before you started</p> <p>6 logging them?</p> <p>7 A. We didn't track them. We just refunded.</p> <p>8 Q. How do you know that all of the orders in this</p> <p>9 chart are orders related to Zaappaaz and not one of</p> <p>10 your other companies that sold PPE?</p> <p>11 A. This is from Zaappaaz's database. Zaappaaz's</p> <p>12 shared database.</p> <p>13 Q. So I'm just going to click on the reference</p> <p>14 sheet here and ask you to tell me what the source files</p> <p>15 are, just one by one. Let's start with the top one.</p> <p>16 What is all PPE orders March 20th through December 20th</p> <p>17 latest?</p> <p>18 A. All PPE orders for March 20th through</p> <p>19 December 20th.</p> <p>20 Q. What does that represent, that source file?</p> <p>21 Was in that file?</p> <p>22 A. All PPE orders.</p> <p>23 Q. And what information?</p> <p>24 A. I'm sorry, I don't understand what you are</p> <p>25 asking.</p>	<p style="text-align: right;">517</p> <p>1 MS. SCHAEFER: Do you see that now?</p> <p>2 MR. BLANCHARD: Yep.</p> <p>3 BY MS. SCHAEFER:</p> <p>4 Q. So sorry, that might be what created the</p> <p>5 confusion. So here you see the source files; is that</p> <p>6 right?</p> <p>7 A. Correct.</p> <p>8 Q. And what are these files?</p> <p>9 A. I explained number 2 already. Number 3 --</p> <p>10 Q. What was number 2?</p> <p>11 A. All PPE orders from the 20th of March to</p> <p>12 December 20th -- I mean, December 2020.</p> <p>13 Q. It says latest?</p> <p>14 A. Correct.</p> <p>15 Q. And so is this the source file for columns A to</p> <p>16 Y and EL to ET?</p> <p>17 A. Correct.</p> <p>18 Q. And then you have this next file which are</p> <p>19 source files; is that right?</p> <p>20 A. Correct.</p> <p>21 Q. And that provides a source for columns EV to</p> <p>22 FT?</p> <p>23 A. Correct.</p> <p>24 Q. And then we have this all PPE orders March 20th</p> <p>25 through December 20th, all total disputes?</p>
<p style="text-align: right;">516</p> <p>1 Q. What information is in this document, in this</p> <p>2 source file?</p> <p>3 A. This is pretty much all the data I have of</p> <p>4 customers on that specific order.</p> <p>5 Q. And is that information that's maintained in</p> <p>6 the normal course of business?</p> <p>7 A. Maintained, no. I mean, like I told you, it's</p> <p>8 coming from seven different sources.</p> <p>9 Q. I'm talking about -- there's seven sources</p> <p>10 here. I'm just talking about this first one.</p> <p>11 A. Yeah, the one we are looking at now is a</p> <p>12 compilation of those seven sources. They are compiled</p> <p>13 into a single sheet to be viewed and analyzed. This is</p> <p>14 not what comes out of my database.</p> <p>15 Q. So this first one here, this file, which is a</p> <p>16 source file, is different than the main spreadsheet; is</p> <p>17 that right?</p> <p>18 A. I don't know what you mean by main spreadsheet.</p> <p>19 Q. Okay. So I'm talking about, here I'm on the</p> <p>20 reference tab and the first, do you see --</p> <p>21 A. It hasn't switched. If you can switch? I</p> <p>22 still see the same tab.</p> <p>23 Q. Really?</p> <p>24 MR. BLANCHARD: We still see the spreadsheet.</p> <p>25 There it is.</p>	<p style="text-align: right;">518</p> <p>1 A. Correct.</p> <p>2 Q. And does that provide the source of information</p> <p>3 for columns FV to GA?</p> <p>4 A. Correct.</p> <p>5 Q. And then for the next, the Fed Ex full report,</p> <p>6 is that the source for columns AT to EJ?</p> <p>7 A. Correct.</p> <p>8 Q. And then source file 905350633 is the source</p> <p>9 file for columns AT to EJ; is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. And then we have 951124010, is that the source</p> <p>12 file for also columns AT to EJ?</p> <p>13 A. Correct.</p> <p>14 Q. And then we have V6225Y, is that the source</p> <p>15 document for AT to EJ?</p> <p>16 A. Correct.</p> <p>17 Q. Do you know whether this V6225Y, is that a UPS</p> <p>18 document?</p> <p>19 A. I believe so, yes.</p> <p>20 Q. And then Paypal dispute is the source, that</p> <p>21 file source for columns GC to GH?</p> <p>22 A. Right.</p> <p>23 Q. So now I want to go through these source files</p> <p>24 and ask you the following questions. So the first one</p> <p>25 that provides the source for these columns AY and EL to</p>

<p style="text-align: right;">519</p> <p>1 ET, is the information in there information that you 2 maintain in the normal course of business? 3 MR. BLANCHARD: Objection to form. 4 You can answer. 5 THE WITNESS: A to Y? 6 BY MS. SCHAEFER: 7 Q. A to Y and EL to ET, you are saying this file 8 provided the source of information. And I'm wondering 9 if the information in this source file is kind of 10 information that is maintained by your business? 11 A. A to Y is correct, yes, we do pull that data. 12 Q. And where do you maintain it? 13 A. In our database. 14 Q. Who enters that information into the database? 15 A. It's not entered. It's automated. 16 Q. Does it come from directly from website orders? 17 A. It comes from directly from third-party 18 vendors. 19 Q. What third-party vendors? 20 A. Fed Ex, I don't know, whatever the data you are 21 referring to. If a customer is inputting their 22 shipping and billing information, it comes from them 23 and it just gets stored in our database. 24 Q. And what about the actual order information, 25 the date, the amount, the product?</p>	<p style="text-align: right;">521</p> <p>1 believe from Stripe I generated. From Braintree the 2 processor that sells e-mailed them to me. So, yes. 3 Q. What about this next category, all PPE orders 4 March 20th through December 20th? 5 A. Correct. 6 Q. And is the information -- and that's the source 7 of columns FV to GA? 8 A. Correct. 9 Q. Is the information in that file information you 10 generally maintain? 11 A. No, we do not. 12 Q. So where did you get that information? 13 A. Probably another processor. 14 Q. And do you know how the information -- well -- 15 A. The FV to GA, I want to say this is data that's 16 manually inputted into our back end. 17 Q. Who manually -- 18 A. CSRs. So I think we use this sheet with our 19 sheet to cross-reference to make sure there's no 20 duplicates. So that's why it's all there. Say if we 21 do lose a dispute or if there's a refund on the 22 dispute, they'll manually put it into our back end, and 23 that's what's being pulled from here. 24 Q. Let's go to the Fed Ex full report. Is that 25 information that you maintain?</p>
<p style="text-align: right;">520</p> <p>1 A. Yeah, same thing. Correct, it just takes a 2 snapshot of when they place the order and imposes it 3 into our database. 4 Q. And now let's talk about the dispute source 5 files. Is the information in those files the type of 6 information that you maintain in Zaappaaz's business? 7 MR. BLANCHARD: Objection to form. 8 THE WITNESS: We do not. 9 BY MS. SCHAEFER: 10 Q. So where did you get that information from? 11 A. From their respective websites, Braintree.com, 12 Stripe.com, Paypal.com, their relative sites are our 13 processors. 14 Q. Who accesses that information? 15 A. In some cases a processor themselves. We 16 e-mail them and they provide us the data. 17 Q. But for purposes of this source file and 18 providing information for the master chart, and I'm 19 referring to the master chart as this chart 002059 -- 20 A. Right. Provided by the vendors. 21 Q. Provided by the vendors. And for these 22 particular source files that you produced to us as a 23 basis for the information in the chart, who generated 24 those spreadsheets? Was it Priyank? 25 A. I believe I generated the spreadsheets or I</p>	<p style="text-align: right;">522</p> <p>1 A. No, we do not. 2 Q. And who maintains that information? 3 A. FedEx.com. 4 Q. And who pulled the information? 5 A. I think I had one of my CSRs pull it. 6 Q. And do you have access to FedEx databases that 7 allow you to pull this information? 8 A. It's normal practice. FedEx.com, you log into 9 your account and then you basically put a date range 10 and have them extract the data from there. 11 Q. I have the same question about going back up to 12 the six disputes. Are you able to -- I know you talked 13 about this a little bit, but I'm trying to clarify, are 14 you able to access that information through their 15 platforms? 16 A. Stripe we can. Braintree we cannot. The 17 accounts are closed. Amazon we cannot. So Amazon, 18 again, is not something that we have access to, nor 19 those disputes are into this since we don't have the 20 account for it. But some items we don't have access 21 to. We have to go through some representative. 22 Q. Well, I guess, so here it says dispute six. 23 What's the six mean? 24 A. It's from six different files. 25 Q. Six different files. Not six different</p>

<p style="text-align: right;">523</p> <p>1 processors?</p> <p>2 A. Could be. I'm not sure. If you want to open</p> <p>3 up the files, I'm more than happy to give you my guess</p> <p>4 on it, but I don't know what the six means.</p> <p>5 Q. We'll open those files later on. Do you know</p> <p>6 what payment processors, the dispute information would</p> <p>7 come from, though?</p> <p>8 A. Everyone we get processing from. We get</p> <p>9 Braintree. Before Braintree, we had Empire Payment</p> <p>10 Tech, I believe, was our other processor, which is</p> <p>11 Fiserv. We have Stripe and then we have Paypal.</p> <p>12 Q. Are you saying that you have access to Stripe,</p> <p>13 and what about Fiserv? Does this include information</p> <p>14 from Fiserv?</p> <p>15 A. I do not have -- yes, it does.</p> <p>16 Q. And you have information from Paypal, which is</p> <p>17 Paypal dispute in red?</p> <p>18 A. Correct.</p> <p>19 Q. And you said it does not include information</p> <p>20 from Amazon because you weren't able to get it anymore?</p> <p>21 A. Correct.</p> <p>22 Q. And Braintree you were able to get it, but</p> <p>23 because you asked for it. Not because you could access</p> <p>24 any platform?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">525</p> <p>1 Q. And so how did you access that information?</p> <p>2 A. He provided it to me.</p> <p>3 Q. And then the next source file is 951124010.</p> <p>4 And that account number, do you know what it</p> <p>5 represents?</p> <p>6 A. No.</p> <p>7 Q. I do. And it's -- I'm not going to pronounce</p> <p>8 this. GZ Hishuang E-business Company, Limited?</p> <p>9 A. I think it's also a Chandler company.</p> <p>10 Q. But you are not sure?</p> <p>11 A. I would say probably 90 percent. I can assure</p> <p>12 you that it's maintained by Chandler. I don't know the</p> <p>13 relevance to the company, but, yes.</p> <p>14 Q. Do you have access to those records?</p> <p>15 A. I do not.</p> <p>16 Q. How did you generate the spreadsheet?</p> <p>17 A. Requested it from Chandler.</p> <p>18 Q. And then the next one is V6225Y. What is that</p> <p>19 account?</p> <p>20 A. I believe it's the same thing, Chandler's</p> <p>21 accounts requested by -- sent by the Chinese team as</p> <p>22 well. We don't maintain it.</p> <p>23 Q. So is V6225Y not a UPS account?</p> <p>24 A. It is.</p> <p>25 Q. Is it one of the Chinese suppliers' UPS</p>
<p style="text-align: right;">524</p> <p>1 Q. So let's just go back up to file 905350633.</p> <p>2 And that's the source for AT to EJ. Is that</p> <p>3 information that's retained in the normal course?</p> <p>4 A. No.</p> <p>5 Q. And what information is that?</p> <p>6 A. Same thing I believe as Fed Ex full report.</p> <p>7 Just a different account.</p> <p>8 Q. And account is 905350633?</p> <p>9 A. I don't know what account it is. It's just a</p> <p>10 shipping account.</p> <p>11 Q. Well, I can tell you it's My Speed Limited.</p> <p>12 A. Correct, the Chinese account.</p> <p>13 Q. What is My Speed Limited?</p> <p>14 A. The Chinese shipper out of China.</p> <p>15 Q. And who owns that company? What individual?</p> <p>16 A. Chandler.</p> <p>17 Q. What is his last name?</p> <p>18 A. I don't know what his real last name is, but</p> <p>19 Liu, L-I-U.</p> <p>20 Q. And he was one of your suppliers that you had</p> <p>21 the relationship with?</p> <p>22 A. Correct.</p> <p>23 Q. And is the information in that file information</p> <p>24 you maintain in the normal course?</p> <p>25 A. I do not.</p>	<p style="text-align: right;">526</p> <p>1 account?</p> <p>2 A. I believe so.</p> <p>3 Q. And then we have the Paypal dispute source</p> <p>4 file. Where did you get that information?</p> <p>5 A. Paypal.com.</p> <p>6 Q. Did you have access to that?</p> <p>7 A. I did.</p> <p>8 Q. And is that information you maintain in the</p> <p>9 normal course?</p> <p>10 A. We do not.</p> <p>11 Q. So let's start by going through columns A</p> <p>12 through Y. So what is column A? Is column A an order</p> <p>13 ID?</p> <p>14 A. Correct.</p> <p>15 Q. And then you have column B, the date of the</p> <p>16 order?</p> <p>17 A. Correct.</p> <p>18 Q. And you have the column C, the product name,</p> <p>19 and then the SKU is column D. Let's go over to</p> <p>20 production days. Tell me, what does this represent?</p> <p>21 A. Which column are you at?</p> <p>22 Q. I'm in column G.</p> <p>23 A. Okay.</p> <p>24 Q. So what does column G represent?</p> <p>25 A. How long it takes for production.</p>

<p style="text-align: right;">527</p> <p>1 Q. Why would covered products have production 2 days? 3 A. Packaging, shipping, whatever it may be 4 required. 5 Q. So that goes into production days? 6 A. Correct. 7 Q. And how do you determine what the production 8 days are? 9 A. Based on our feedback from our warehouse or the 10 Chinese vendors. 11 Q. How do weekends affect this? 12 A. Production days does not count. It only counts 13 business days. 14 Q. What about holidays? 15 A. Does not count holidays. It goes off of U.S. 16 metrics or U.S. standards. 17 Q. Why would the same product have different 18 production days? Would it be because it would depend 19 on packaging? 20 A. Volume of orders, variants of packaging. I 21 mean, it's fluctuating in number of orders, 22 availability of how many workers were working at that 23 time, et cetera. So we changed it by the feedbacks 24 that we received. 25 Q. And in terms of changing it, do you change</p>	<p style="text-align: right;">529</p> <p>1 say, for something, and then it says one shipping day, 2 can one assume that the package was supposed to be 3 shipped the same day? 4 A. Next business day. 5 Q. What if it was zero production days and let's 6 say three shipping days? 7 A. Three business days, following the next 8 business day. 9 Q. What would that mean? 10 A. Three business days following the next business 11 day. That's your first business day. 12 Q. Can you explain that to me? I don't 13 understand. So three days following? 14 A. Yeah, so if you place an order today, your 15 first business day is tomorrow. So it would go out 16 tomorrow. 17 Q. So if it's still -- it's next-day shipping. 18 Let's say zero days, that's my question. Zero days 19 production, three days shipping, you are saying it 20 would go out the next business day? 21 A. Correct. 22 Q. What about if it was zero production and five 23 shipping days? 24 A. Same analogy. It would ship out the next day 25 and be delivered in five business days.</p>
<p style="text-align: right;">528</p> <p>1 that -- is it code that changes it? 2 A. We can change it, yes. 3 Q. And do your developers do that work? I'm 4 assuming it's technical work? 5 A. Correct. 6 Q. Does Priyank do that work for you? 7 A. That is correct. 8 Q. Let's go to shipping days. What does this 9 represent? 10 A. How long it takes to ship after it's been 11 delivered -- I mean, after the production days are 12 done. 13 Q. So it's how many days it will take to get to 14 the consumer? 15 A. Correct. 16 Q. How do weekends affect this? 17 A. Same thing. Business days only. 18 Q. Do products not ship Saturdays and Sundays? 19 A. They don't get delivered Saturdays and Sundays 20 and, yes, they do not ship Saturday and Sunday either. 21 Q. Do holidays affect shipping days? 22 A. Absolutely. 23 Q. How do they affect it? 24 A. They don't ship or they don't get packed. 25 Q. So if there are zero production days, let's</p>	<p style="text-align: right;">530</p> <p>1 Q. It's still going to be shipped the next day. 2 It's just going to take longer for delivery? 3 A. Correct. 4 Q. Presumably is it because of the price people 5 paid for shipping? 6 A. Well, I mean, I don't think majority of them 7 pay for shipping unless it's a one-day. But the two 8 days, and I don't know what metric it is, so we have 9 scanners for a free shipping metric. 10 Q. For all orders? 11 A. For all orders there is a free shipping option, 12 I believe so, yes. 13 Q. So do the days, the amount of days depend on, 14 you know, the logistics, the circumstances at issue in 15 terms of products and what you have and what you don't 16 have? 17 A. Sure. I mean, when I'm anticipating inventory 18 and addressing production days and shipping days which 19 calculates to our delivery day. 20 MR. BLANCHARD: Michelle, can we take a quick 21 break. 22 MS. SCHAEFER: Sure. 23 (A recess was taken.) 24 BY MS. SCHAEFER: 25 Q. So I have a question. If someone orders a</p>

<p style="text-align: right;">531</p> <p>1 product on a Friday night after 6:00, when would that</p> <p>2 product ship?</p> <p>3 A. Monday.</p> <p>4 Q. And would the website not allow anyone to</p> <p>5 choose an earlier delivery date?</p> <p>6 A. I don't think so.</p> <p>7 Q. In other words, does the system adjust so that</p> <p>8 orders will not be shipped during the weekend?</p> <p>9 A. Yeah, it will not show the weekend as a</p> <p>10 delivery date, correct.</p> <p>11 Q. What is shipping price in column I?</p> <p>12 A. If they pay for a shipping price, upgraded the</p> <p>13 shipping.</p> <p>14 Q. And now column J, what is delivery date?</p> <p>15 A. What we propose that the customer receive the</p> <p>16 product at based on production plus shipping equated to</p> <p>17 delivery date.</p> <p>18 Q. So production days plus shipping days gives you</p> <p>19 delivery date?</p> <p>20 A. Correct.</p> <p>21 Q. In some instances, though, when you add</p> <p>22 production days and shipping days, it doesn't equal</p> <p>23 delivery date. Do you know why that would be?</p> <p>24 A. If you could give me an example, I could</p> <p>25 explain maybe.</p>	<p style="text-align: right;">533</p> <p>1 17th was a Friday, from what I can tell, shipped out on</p> <p>2 Monday, and the 29th should have been the delivery</p> <p>3 date, according to a seven-day turnaround.</p> <p>4 Q. So are you saying that there sometimes it might</p> <p>5 be different? The delivery date might not be a sum of</p> <p>6 production and shipping because of the weekend issue or</p> <p>7 the holiday issues?</p> <p>8 MR. BLANCHARD: Objection. Misstates</p> <p>9 testimony.</p> <p>10 THE WITNESS: No. I think I have answered</p> <p>11 that. We didn't count -- shipping and production does</p> <p>12 not count weekends nor holidays.</p> <p>13 BY MS. SCHAEFER:</p> <p>14 Q. What other reasons would account for the fact</p> <p>15 that production plus shipping doesn't get you to</p> <p>16 delivery date?</p> <p>17 MR. BLANCHARD: Objection. Assumes facts not</p> <p>18 in evidence.</p> <p>19 THE WITNESS: If you give me a reference, I can</p> <p>20 tell you. I don't know. I don't know what you are</p> <p>21 referring to. This one does not say that.</p> <p>22 BY MS. SCHAEFER:</p> <p>23 Q. I'm just saying this one shows that it was</p> <p>24 ordered on the 17th. Production plus shipping is the</p> <p>25 7th. You said that you add that to get you to the</p>
<p style="text-align: right;">532</p> <p>1 Q. So here we have an order for a no-contact</p> <p>2 infrared thermometer. So it was ordered on April 17th,</p> <p>3 and you have three production days, four shipping days,</p> <p>4 which should get you to the 24th, but then it gets you</p> <p>5 to the 29th. So I'm just asking why would it be -- why</p> <p>6 that delivery date? Wouldn't it be seven days from</p> <p>7 April 17th?</p> <p>8 A. Let me look.</p> <p>9 Q. I'm sorry, did you answer? I didn't hear you</p> <p>10 answer.</p> <p>11 A. No, not yet. One second.</p> <p>12 Q. Okay.</p> <p>13 A. What should the date be? What are you</p> <p>14 referencing?</p> <p>15 Q. My question, is you said that usually the</p> <p>16 formula is you add -- take the original order date.</p> <p>17 You take production plus shipping gets you to delivery;</p> <p>18 is that right?</p> <p>19 A. Correct.</p> <p>20 Q. But in some instances I have noticed that there</p> <p>21 is a lot of orders where production plus shipping</p> <p>22 doesn't equal delivery. There is additional days in</p> <p>23 there. And so I'm wondering what would account for</p> <p>24 those additional days?</p> <p>25 A. I don't think this example entails that. The</p>	<p style="text-align: right;">534</p> <p>1 delivery date of April 24th, but you are noting that</p> <p>2 this is a weekend order or this --</p> <p>3 A. The 24th, that's a total of seven business</p> <p>4 days.</p> <p>5 Q. Right. And then the delivery date was the</p> <p>6 29th.</p> <p>7 A. Correct. So the 29th would be the seventh or</p> <p>8 the eighth business day, correct.</p> <p>9 MR. BLANCHARD: She said start logging on,</p> <p>10 Michelle.</p> <p>11 MS. SCHAEFER: She said to log on now?</p> <p>12 MR. BLANCHARD: She just sent a link.</p> <p>13 MS. SCHAEFER: So we have to go before the</p> <p>14 Court for a quick hearing.</p> <p>15 (Pause in the proceedings.)</p> <p>16 BY MS. SCHAEFER:</p> <p>17 Q. I just wanted to, we were walking through this</p> <p>18 order I had highlighted when I was talking about</p> <p>19 production plus shipping days. And so what day of the</p> <p>20 week is the 17th?</p> <p>21 A. I believe it's a Friday.</p> <p>22 Q. It is a Friday?</p> <p>23 A. I believe so, yeah.</p> <p>24 MR. BLANCHARD: I checked, Michelle. It is.</p> <p>25 BY MS. SCHAEFER:</p>

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1 Q. So it's a Friday. So then it's seven business
2 days, and it would go out Monday?

3 A. Correct.

4 Q. So it would go out the 19th, and then the 19th
5 plus seven is the 26th, isn't it?

6 A. There's also weekends in there.

7 MS. COLLESANO: Monday is the 20th.

8 BY MS. SCHAEFER:

9 Q. Monday is the 20th. Sorry. I think I'm
10 confusing myself. So you order it on a Friday, okay.
11 This is a Friday. Production plus shipping is seven
12 days. Because it's a Friday, when is it going to go
13 out? What day? April what?

14 A. Monday, the 20th.

15 Q. And then you add seven days to that, which
16 is --

17 A. No, you add five days to that. There's five
18 weekdays and then there's a Saturday/Sunday that comes
19 in again.

20 Q. Okay. So here we have, let's go to columns K
21 through T. Does that represent the customer
22 information, the name and address, where they live?

23 A. Correct. I don't know if they live there, but,
24 yes.

25 Q. Some address associated with them.

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1 information. So for example, if you look at row 13,
2 there's nothing in there. If you look at row 25,
3 there's nothing in there. In other words, certain
4 orders have no tracking information associated with
5 them. What would account for those blanks?

6 A. I'll try to see if I can decide without

7 Priyank.

8 MR. BLANCHARD: Which row do you want to talk
9 about?

10 BY MS. SCHAEFER:

11 Q. I'm just wondering in general. No specific
12 row. I want to know what would account for the fact
13 that some orders have no tracking information. And if
14 you don't know, you can say you don't know.

15 A. I would say I don't know, but I do see a
16 tracking for row number 13. Yeah, it's probably
17 because there's two different products. If you look at
18 row 13 and row number 12, I think it's the same order.
19 Yeah, so it's that order number 12, that's why.

20 Q. Would that account for all the other blanks?
21 Are those blanks created because of multiple orders?

22 A. Could be. I mean, that's probably one
23 scenario, but, yeah, could be that.

24 Q. What are all the scenarios that could account
25 for that?

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1 A. Um-hum.

2 Q. Okay. And then what is column U?

3 A. I believe that's the total that they paid.

4 Q. And then what is column V?

5 A. The carrier.

6 Q. And what about, why would there be carrier 2
7 and carrier 3?

8 A. If multiple packages are shipped.

9 Q. What's in column Y?

10 A. Tracking.

11 Q. How is column Y different than column AT?

12 A. Column AT, they are not different. It's just
13 separated so you could easily look at it. There's
14 multiple trackings in column Y separated by a column.
15 And it's just split up for you.

16 Q. Okay. So now let's look at columns AT through
17 EJ. So where did the information -- well, the
18 information in these columns you already said, I'm
19 going to reference, came from the source files in
20 purple; is that right?

21 A. Correct.

22 Q. And to the extent there are blanks, why would
23 there be blanks?

24 A. There are blanks?

25 Q. Like some orders just don't have order

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1 A. I don't know. I don't know.

2 MR. BLANCHARD: Michelle, may I comment on
3 something that I think would be helpful. If you look
4 at 27 and 28, those are the same two order numbers as
5 well. And so --

6 BY MS. SCHAEFER:

7 Q. Okay. So I'm wondering why -- you see these
8 categories under tracking, cancel order, issued refund,
9 cancelled order, issued refund, cancel issue refund,
10 cancelled, issued refund. Why are those categories
11 under tracking?

12 A. Which column?

13 Q. Do you not see the drop-down?

14 A. Yeah, the screen is a little far.

15 Q. Go to column AT and then hit the drop-down and
16 scroll all the way to the very bottom. You'll see --
17 you'll start seeing categories that say cancel order,
18 issued refund. Cancel.

19 A. In column Alpha Tom, AT?

20 Q. Yes.

21 A. I don't see any of that.

22 Q. Look at my screen.

23 A. If you could filter, Michelle, I mean, maybe
24 there's like two or three of them.

25 Q. I mean, I don't even have to filter because all

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1 I do is I hit the drop-down menu and I scroll all the
2 way to the bottom and they are all there. Do you not
3 see the drop-down menu?

4 MR. BLANCHARD: We see it.

5 BY MS. SCHAEFER:

6 **Q. If you have your computer, you can do exactly**
7 **that.**

8 A. On AT?

9 **Q. AT. Are you looking at 0020596?**

10 A. Yeah.

11 MR. BLANCHARD: We both are, and I can't get it
12 on my laptop either, Michelle.

13 BY MS. SCHAEFER:

14 **Q. What is column AT on your spreadsheet?**

15 A. Tracking 1-9133.

16 **Q. 91333?**

17 A. Correct.

18 **Q. Yep, that's what I'm looking at. Is the first**
19 **order number tracking number 445115198780?**

20 A. Correct.

21 **Q. And when you hit the drop-down menu --**

22 A. I mean, I'm trying to look for the filter
23 setting on this. I don't have it filtered. I think
24 you are filtering it.

25 **Q. I am. Well, I filtered all the columns.**

540

1 A. That's what I'm trying to do right now. All
2 right, AT.

3 **Q. What are you looking at?**

4 A. I'm going to give you the answers to what those
5 are.

6 **Q. Do you see them now?**

7 A. Yeah, I see them. There's not that many, but,
8 yeah.

9 **Q. I'm just wondering why are these categories**
10 **under tracking?**

11 A. So these datas are shipped from software using
12 Shipping Easy, so we can classify these datas through
13 Shipping Easy. So that's probably where the data is
14 coming from.

15 **Q. So did you track refunds on Shipping Easy even**
16 **though you didn't track it on your back end system?**

17 A. Not refunds, but like if a label is created on
18 Shipping Easy and we need to cancel that label, we
19 would just select a category and call it cancelled.

20 **Q. And did you start using that system right when**
21 **you got Shipping Easy?**

22 A. That's correct.

23 **Q. Okay.**

24 A. From my count, I think it's about 20 orders
25 that are in that category.

541

1 **Q. And those would be coming from Ship Easy or the**
2 **label would have been printed from Shipping Easy and it**
3 **would have been -- or the label would have been printed**
4 **from Shipping Easy; is that right?**

5 A. There's a lot more orders from Shipping Easy.
6 I'm saying that those categories such as Freight Fed
7 Ex, Drop Ship, Cancelled, Issue Refunds, those last
8 maybe 10 categories that you see on that filter,
9 there's about 20 orders all together.

10 **Q. Okay. And those would be from Shipping Easy?**

11 A. Correct, yeah. We don't track those -- I mean,
12 we cancel the order or we say it's been drop shipped
13 and the customer came and picked it up or whatever it
14 may be.

15 **Q. But then you don't track it on your back end?**

16 A. I mean, not automated. If the customer service
17 fulfills his job, then, yes, he should notate it at the
18 back end.

19 **Q. Now because of your new policy?**

20 A. No, before. Our new policy will actually
21 notate it automatically.

22 **Q. I see. And before it wasn't automated, which**
23 **created the problem or which you didn't track it?**

24 A. I mean, it didn't create a problem. We just
25 didn't track it.

542

1 **Q. I'm wondering, tell me what the differences**
2 **are -- what does drop ship mean?**

3 A. A customer basically or a drop ship actually
4 means if you order a product and we have another vendor
5 drop it directly to your house, it doesn't come through
6 us. We called one of our partners to ship it to you
7 directly.

8 **Q. Like your Chinese suppliers?**

9 A. That could be considered drop ship, yeah, or I
10 could place an order on Amazon and have it shipped
11 directly to you. That's considered drop ship.

12 **Q. What if it goes from your warehouse, what is**
13 **that considered?**

14 A. Shipping.

15 **Q. But that's not drop shipping?**

16 A. No.

17 **Q. What is DS?**

18 A. Probably another definition for drop ship.

19 **Q. What is Freight Fed Ex?**

20 A. Freight is what goes on pallet. So if someone
21 orders 100 sanitizers, we can't ship it on a standard
22 box. You have to palletize it and ship it.

23 **Q. And what about freight ship?**

24 A. Same thing.

25 **Q. And just so you know, when I filter on blank,**

543

1 there's about 44,898 tracking -- well, I can do it now.
 2 So I'm filtering for all the blanks. And you can take
 3 a look, but do you still believe based on this filter
 4 that blanks are caused when there's multiple orders?

5 A. What are you filtering? Which column?

6 Q. So I did AT by blank, and those are all the
 7 ones you -- all the orders you don't have tracking
 8 order information for.

9 A. Yeah, that's not necessarily true. I mean, you
 10 have tracking in Y. It's probably going into shipping
 11 2 or shipping 3 column. You see on column Y, there is
 12 tracking for some of the orders.

13 Q. Okay.

14 A. You filter those out and then, yes, maybe the
 15 other ones are probably duplicates.

16 Q. Okay. I did the drop-down menu again, and the
 17 very first tracking has a 1ZZ in front of it. Do you
 18 see that?

19 A. Um-hum.

20 Q. So what does the ZZ mean? What does that mean?

21 A. That's not my tracking. That's UPS tracking.

22 Q. So you don't know what those letters mean?

23 A. No.

24 Q. I want to go through an example of something.
 25 So I highlighted this order. So this order looks like

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1 reusable cloth mask. There's no tracking -- all right.
 2 Never mind. Okay. Let's go to AU. So AU, what does
 3 this information represent? What is shipping date?

4 A. When we ship the goods.

5 Q. And is that, when you ship the goods, is it
 6 when you put it in the hands of the shipper?

7 A. That is correct. This is data that's, I
 8 believe, coming from FedEx.

9 Q. And what does it mean to put it into the hands
 10 of the shipper according to you?

11 A. According to us, when they scan it.

12 Q. When you create a label, does that constitute a
 13 shipping date?

14 A. I don't think so.

15 Q. So there's also blanks here under shipping
 16 date. And what would account for the blanks for
 17 shipping date?

18 A. Can you give me an example and I can give you a
 19 reference?

20 Q. I mean for example, look at row 10.

21 A. Okay.

22 Q. There is no shipping date.

23 A. Can I get the last two digits of the tracking
 24 number?

25 Q. The last two, 80.

545

1 A. What is it?

2 Q. The last two --

3 A. 80?

4 Q. Yeah.

5 A. All I did is just searched the tracking. It
 6 says "No record of this tracking number to be found at
 7 this time."

8 Q. Where do you see that?

9 A. I just searched the tracking number on Google.

10 Q. Okay. And so is that to a certain extent what
 11 you had to do to find certain shipping dates?

12 A. Yeah, that's exactly what we do. Well, I mean,
 13 this data is coming from FedEx. So no, we didn't have
 14 to do it for this data. So for some of the other stuff
 15 to find delivery dates, delivery times, we have to
 16 manually go in. There's no other way that I know of.

17 Q. But if it came from FedEx, why wouldn't it have
 18 a shipping date?

19 A. I have no idea. Well, I'm searching for FedEx,
 20 that tracking number is showing no data on that
 21 tracking. So I don't know why it would not have it,
 22 but that's a FedEx question you would probably need to
 23 ask.

24 Q. But to the extent there are blanks here, do you
 25 have -- are there any records that you have that would

546

1 be able to fill this information in?

2 A. No records that we have. I mean, we could
 3 Google it and see what data pulls up, and that's all we
 4 can do.

5 Q. Let's go to shipment delivery date. What's
 6 that date represent?

7 A. That's when FedEx delivered the goods.

8 Q. And what would account for the blanks there?

9 A. The previous blanks, which is the shipping
 10 date. I guess maybe there's no data that FedEx has for
 11 that.

12 Q. So there are 19 tracking sections in this
 13 section. Why 19?

14 A. Sometimes you can't fit 19 products in one box,
 15 so you have to create 19 different labels, and each
 16 label will have a tracking number.

17 Q. And how did you keep track of multiple orders
 18 being delivered through several different trackings?

19 A. Say that again, I'm sorry.

20 Q. How would you keep track of multiple orders
 21 delivered to one customer?

22 A. By the tracking numbers, I guess.

23 Q. Did there ever come a time between March and
 24 now when you lost track of the multiple orders going to
 25 one customer?

547

1 A. If we lost count?
 2 **Q. Lost track.**
 3 A. I don't know what you mean by lost track.
 4 **Q. In other words, didn't know what -- when**
 5 **customers ordered various products and it required**
 6 **various shipments, were there times where you lost**
 7 **track of the different packages, lost track of what**
 8 **packages were going to the consumer?**
 9 MR. BLANCHARD: Objection.
 10 THE WITNESS: Maybe you need to clarify that.
 11 I'm still not understanding what you are asking.
 12 BY MS. SCHAEFER:
 13 **Q. Did the fact that customers ordered multiple**
 14 **shipments create problems for you?**
 15 A. No.
 16 **Q. Is there any significance to the color coding**
 17 **within the tracking part of the chart, all the**
 18 **different colors?**
 19 A. Just to view it easily, I guess.
 20 **Q. It doesn't have anything to do with the**
 21 **underlying source documents?**
 22 A. No.
 23 **Q. So now let's look at column EL through ET.**
 24 **Let's start with column EL. What does information in**
 25 **here reflect? What is a tracking date?**

548

1 A. I think the date the order got placed, I would
 2 assume.
 3 **Q. Okay. Now, what is EM?**
 4 A. EM is the payment type that the customer used.
 5 **Q. Okay. And I have a question about purchase**
 6 **orders. How do purchase orders differ from, for**
 7 **example, a credit card order?**
 8 A. Are you familiar with the purchase order
 9 process?
 10 **Q. No.**
 11 A. A purchase order is a customer sends an
 12 official document stating that they will purchase five
 13 masks and they'll give us an official document with a
 14 company header on it saying they are going to purchase
 15 five masks. They are assuming that we'll accept the
 16 purchase order and we will go ahead and ship the goods
 17 out and they will pay us on a net 30, net 60 or net 90
 18 terms. During this time period, we did not accept
 19 purchase orders unless it was a customer that we knew
 20 of, but we didn't accept any purchase orders. It was
 21 upfront payment or they had to send a check in before
 22 we processed the order.
 23 **Q. So what percentage of sales would you say were**
 24 **through purchase orders between, I don't know, March**
 25 **and December?**

549

1 A. 3 percent.
 2 **Q. Three, 03?**
 3 A. Three percent, yeah.
 4 **Q. Let's go to EN. So what does this represent?**
 5 A. This is a refund amount that is actually
 6 inputted into our back end by the CSRs manually.
 7 **Q. I thought you said earlier that now it's**
 8 **tracked automatically?**
 9 A. Correct.
 10 **Q. Previously, starting in March 2020 when you**
 11 **started selling covered product, they would do it**
 12 **manually, presumably?**
 13 A. Correct.
 14 **Q. And does this category here, refund amount, in**
 15 **this section of the chart, include chargeback from**
 16 **credit card companies?**
 17 A. No. It could. I mean, if they manually
 18 inputted in there, but I don't think that was the
 19 policy.
 20 **Q. So was the policy to manually input refunds**
 21 **coming from your account, Zaappaaz accounts?**
 22 A. If a customer called and said I don't want a
 23 product anymore, refund me \$500, that's something a CSR
 24 would be able to input right there. It's not something
 25 they would have to go research on another platform.

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1 **Q. My question is where do the refunds get drawn**
 2 **from? Is it Zaappaaz's bank account?**
 3 A. Or my reserves. I mean, probably not my bank
 4 account, but my reserves.
 5 **Q. How are the reserves different than chargeback?**
 6 A. I don't know what that question means.
 7 **Q. So where do -- I'm sorry. So you might draw**
 8 **the refunds from your reserves; is that right?**
 9 MR. BLANCHARD: Objection. Form.
 10 BY MS. SCHAEFER:
 11 **Q. And then when there's a chargeback, where does**
 12 **that money get drawn from?**
 13 A. Let's say today we did a business of \$1,000,
 14 all right, and there's a chargeback for \$100. They'll
 15 take it out of the \$1,000 that we did of our business
 16 for today. That's what I mean as reserves.
 17 **Q. So my question is refunds get drawn from**
 18 **reserves; is that right?**
 19 MR. BLANCHARD: Objection. Form.
 20 THE WITNESS: Most of the time, yes.
 21 BY MS. SCHAEFER:
 22 **Q. Do chargebacks get drawn from reserves as well?**
 23 A. Most of the time, yes.
 24 **Q. But the refunds reflected here under EN are**
 25 **those that the company gave back to consumers and**

<p>551</p> <p>1 not --</p> <p>2 A. Not necessarily, no. I mean, this is just what</p> <p>3 the CSRs inputted into the back end, but, no, that's</p> <p>4 not what it means necessarily.</p> <p>5 Q. So what would it mean?</p> <p>6 A. I mean, if you call our CSRs and told them that</p> <p>7 that I don't want a product and it was supposed to be a</p> <p>8 \$200 issued refund, they would issue a \$200 refund and</p> <p>9 manually input that there's a \$200 refund done on this</p> <p>10 customer. Now, if the CSR forgets to put that notation</p> <p>11 that there was a \$200 refund, it would not show up on</p> <p>12 here.</p> <p>13 Q. Okay. And now let's do the same analysis but</p> <p>14 it's a chargeback. So you have a chargeback dispute,</p> <p>15 then company loses it, the payment processor, don't</p> <p>16 they automatically give the money back? Who gives the</p> <p>17 money back?</p> <p>18 A. The customer does.</p> <p>19 Q. No, the customer gets the money back. But</p> <p>20 where is that money coming from?</p> <p>21 MR. BLANCHARD: Objection. Form.</p> <p>22 THE WITNESS: From my account or from my</p> <p>23 reserves.</p> <p>24 BY MS. SCHAEFER:</p> <p>25 Q. Okay. And is there a way for you to know</p>	<p>553</p> <p>1 there was not a refund done, but it just means there</p> <p>2 was no data in our back end.</p> <p>3 Q. But that doesn't necessarily mean no refund was</p> <p>4 done?</p> <p>5 A. Correct.</p> <p>6 Q. And would that be because of what you said, the</p> <p>7 CSRs might not have written it down?</p> <p>8 A. Correct.</p> <p>9 Q. What about blank?</p> <p>10 A. If you give me that row, I can make sure I have</p> <p>11 it.</p> <p>12 Q. The order number?</p> <p>13 A. Yeah. It might be the duplication thing as</p> <p>14 well, same thing.</p> <p>15 Q. What is the duplication -- well, what is the</p> <p>16 duplication issue?</p> <p>17 A. It's not an issue, but I mean, I guess it</p> <p>18 didn't need any data in it since it's a same order</p> <p>19 number.</p> <p>20 Q. It would have the same information?</p> <p>21 A. Same order number.</p> <p>22 Q. Let's go to EO, reason for refund. And I</p> <p>23 pulled down the drop-down menu, and there's a whole</p> <p>24 bunch of categories. Who created these categories?</p> <p>25 A. Those aren't categories that are created. They</p>
<p>552</p> <p>1 whether the refunds are because of a chargeback or</p> <p>2 because, you know, you are just providing the refund</p> <p>3 outside of the credit card dispute?</p> <p>4 A. There's a column on there, there's a chargeback</p> <p>5 data sheet that kind of tells you.</p> <p>6 Q. So is the chargeback portion of the charge</p> <p>7 presumably accounting for just the chargeback dispute</p> <p>8 amount?</p> <p>9 MR. BLANCHARD: Objection. Form.</p> <p>10 THE WITNESS: Correct.</p> <p>11 BY MS. SCHAEFER:</p> <p>12 Q. When you are deciding to issue a refund, who</p> <p>13 would decide to issue the refund?</p> <p>14 A. Management.</p> <p>15 Q. Tell me who is management.</p> <p>16 A. Fatima and Eroze and Khalil.</p> <p>17 Q. Would you also --</p> <p>18 A. Sure, if it's a relative amount, yes.</p> <p>19 Q. Do CSRs have any independent ability to issue</p> <p>20 refunds?</p> <p>21 A. I don't think so at this time.</p> <p>22 Q. Who would decide how much of a refund to issue?</p> <p>23 A. The management.</p> <p>24 Q. When you see a zero here, what does that mean?</p> <p>25 A. It means there is no data. It does not mean</p>	<p>554</p> <p>1 are actually typed in. So CSRs just type in or the</p> <p>2 management types in why the refunds were done.</p> <p>3 Q. So management decides what the reason for the</p> <p>4 refund is or types in the reason for the refund?</p> <p>5 MR. BLANCHARD: Objection. Form.</p> <p>6 THE WITNESS: I believe so, that's correct.</p> <p>7 BY MS. SCHAEFER:</p> <p>8 Q. These would be inputted into your back end?</p> <p>9 A. That's correct.</p> <p>10 Q. What is a delay discount?</p> <p>11 A. What?</p> <p>12 Q. A delay discount?</p> <p>13 A. If the customer is willing to still accept the</p> <p>14 order, we issue the refund on the shipping or whatever</p> <p>15 it may be, whatever the compromise is.</p> <p>16 Q. If there is a delay discount, does it mean that</p> <p>17 there was no refund and the product shipped?</p> <p>18 A. Yes, most likely the product shipped. Let me</p> <p>19 rephrase that. If there was no refund and the product</p> <p>20 shipped, no. If there's a discount, then that means</p> <p>21 there was a refund of some sort if you have a category</p> <p>22 there.</p> <p>23 Q. Wait. Say that again, please.</p> <p>24 A. Can you go ahead and rephrase your question.</p> <p>25 Q. Well, I asked if there's a delayed discount,</p>

<p style="text-align: right;">555</p> <p>1 does it mean that there was no refund and the product 2 shipped? 3 A. No, there was a refund if there is a category 4 there. 5 Q. If there's a category under reason for refund? 6 A. Correct. 7 Q. And the delay discount is considered the 8 refund? 9 A. Correct. 10 Q. What is a complaint discount? 11 A. An order came in where the sanitizer was 12 leaking, whatever it may be, there's a lot of various 13 reasons for it. 14 Q. I want to look at this order. Sorry, I'm 15 trying to freeze. I think here this specific order, 16 I'm looking at column EO, reason for refund. It says 17 "cancelled order late shipment," but then says 18 "completed" instead of "refunded." And I'm -- 19 MR. BLANCHARD: Michelle, just for the record, 20 we are talking about row number 11280; is that right? 21 MS. SCHAEFER: Yes, row 11280. Sorry, I didn't 22 identify it. Yes. 23 BY MS. SCHAEFER: 24 Q. So I'm just wondering why it would say 25 cancelled order, late shipment but then say completed?</p>	<p style="text-align: right;">557</p> <p>1 THE WITNESS: Refund date, I mean, a refund 2 date is when the order was refunded. 3 BY MS. SCHAEFER: 4 Q. But there is no protocol as to the date of 5 refunds at Zaappaaz? 6 MR. BLANCHARD: Objection. Form. 7 THE WITNESS: I don't know what you are asking. 8 I'm sorry. 9 BY MS. SCHAEFER: 10 Q. We can move on to the next question. Do you 11 require, to the extent you have shipped orders to 12 customers, I just want to make clear for the record, 13 that I'm talking about orders, and if I don't say 14 otherwise, I'm referring to covered products. And so 15 let's say you ship covered products but then someone 16 wants a refund. Do you require them to return the 17 product before they get a refund? 18 A. In some cases, yes. 19 Q. In what cases would you require them to return 20 the product? 21 A. If they don't want the product. In covered 22 products, we didn't accept any returns, I believe. 23 Q. So once customers had received the products and 24 they called to refund them, they weren't allowed to? 25 MR. BLANCHARD: Objection to form.</p>
<p style="text-align: right;">556</p> <p>1 A. Completed is just a status. It just means that 2 whatever was needed to be done to that order is done. 3 Q. But if you go to ET, and we'll go to it in a 4 minute, you see also cancelled, completed, refunded. 5 So if this is cancelled late shipment, it should be -- 6 I would think it should be cancelled that should be 7 selected? 8 A. Yeah. So again, that's right on -- this is a 9 manual process that the CSRs have to select. If they 10 do refund the whole order, then you could change it 11 from the drop-down, select refunded and click submit. 12 So it's a manual process. 13 Q. And so to the extent we've seen mistakes, it 14 might be a result of errors in the manual process? 15 A. Yeah, completed is a default status. 16 Q. Okay. All right. Refund date, is there 17 anything that drives when a refund will be provided? 18 MR. BLANCHARD: Objection. Form. 19 THE WITNESS: When a refund will be provided? 20 I cannot hear you. What was that? 21 BY MS. SCHAEFER: 22 Q. I'm just wondering what determines when the 23 refund date will occur, if anything? 24 MR. BLANCHARD: Objection. Form. Compound 25 question.</p>	<p style="text-align: right;">558</p> <p>1 THE WITNESS: Depends on the scenario. 2 BY MS. SCHAEFER: 3 Q. Well, you just said, I thought you just 4 testified that you didn't allow customers to return 5 covered products? 6 A. Doesn't mean that we didn't refund them. But 7 yeah, it was just because of COVID. I mean, all 8 industry standards was not to return any products just 9 because of the safety protocols. 10 Q. I see. So are you saying that you didn't -- to 11 the extent customers received covered products and 12 wanted a refund and you would give them a refund, they 13 didn't have to ship the products back? 14 MR. BLANCHARD: Objection. Form. 15 THE WITNESS: In some cases they probably did. 16 I mean, it just depended on the CSR. In some cases we 17 didn't have any refund -- returned products. I mean, 18 it depends if you are saying that the product was 19 damaged, then issue the was refunded, FedEx would 20 return the product back to us. There's multiple 21 scenarios. If you give me a scenario, I can answer 22 that more clearly, I guess. 23 BY MS. SCHAEFER: 24 Q. I guess I'm a little confused by your answer 25 because it just seems like it's a case-by-case</p>

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1 decision.

2 A. Okay --

3 **Q. What's that?**

4 A. I think it was.

5 **Q. So were there instances where you did ask that**
6 **consumers return the covered products they bought?**

7 A. Me personally, no. I mean, I'm sure my CSRs
8 did.

9 **Q. What is discount? What does that represent?**

10 MR. BLANCHARD: For the record, the column EQ?

11 BY MS. SCHAEFER:

12 **Q. EQ, yes.**

13 A. Maybe if you could find a discount order? I
14 just want to clarify an order that has a discount or I
15 could maybe just find it.

16 **Q. Are you looking for one?**

17 A. Yeah, I have found one.

18 **Q. Okay. What row?**

19 A. 11251.

20 **Q. Wait, can you do the numbers to make it easier?**

21 A. 11251. I just picked that randomly. Discount
22 references, it's an automatic discount on the website
23 if you order X amount of products. Like \$500, you get
24 5 percent off. \$1,000 you get 10 percent off and it
25 just auto applied it.

560

1 **Q. Wait. I'm sorry. What are you referring to?**
2 **I see discount here 74.96.**

3 A. Correct.

4 **Q. What does that reflect to you?**

5 A. The order was for a total of 1499.25. And I
6 believe that might be a 5 percent discount or -- no,
7 sorry, that is a subscription discount. They
8 subscribed, so they wanted repetitive orders on a
9 continuous basis. This particular customer subscribed
10 to get every two weeks the same order.

11 **Q. How can you tell that?**

12 A. I'm looking at it on the back end. You can see
13 multiple orders for this customer, but if they did a
14 subscription model, they got 5 percent off their order,
15 and I think that's what the 74.95 reflects.

16 **Q. What other reasons would there be for**
17 **discounts? That's my question, what would be the**
18 **reasons to give discounts?**

19 A. I think that column references subscription
20 discounts, I believe. We can look at another order.

21 **Q. So did this have nothing to do with column EO**
22 **reason for refund?**

23 A. No.

24 **Q. Okay. And so to the extent we see, you know,**
25 **delay discounts in column EO, that has nothing to do**

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1 with EQ?

2 A. No, completely isolated.

3 **Q. Okay. So you think EQ refers to all your**
4 **subscriptions?**

5 A. I'm going to look at one more just to make
6 sure. Line number 111284 shows a \$257 discount.

7 **Q. And that's the same scenario?**

8 A. I'm checking now. I'm sorry, EQ is 164.50,
9 correct. That is the same discount. They subscribed.

10 **Q. What is column ER, international shipping?**

11 A. If the order needed to go to Canada, Puerto
12 Rico, Africa, anywhere international, shipping charges.

13 **Q. Does a zero reflect domestic shipments?**

14 A. Yes, most likely.

15 **Q. Let's go to ET, order status.**

16 A. Okay.

17 **Q. And let's just go, I selected the drop-down**
18 **menu, and now let's just go, I want you to tell me what**
19 **every category is. So what does cancelled mean?**

20 A. It means the order was cancelled. Maybe it
21 wasn't shipped. Maybe it was shipped and it got
22 returned back to us. Multiple scenarios, but the order
23 was cancelled.

24 **Q. And if it was cancelled, why would a cancelled**
25 **order ship?**

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1 A. Why would a cancelled order ship? Maybe it got
2 shipped to the wrong address. Maybe it got damaged.
3 Multiple scenarios.

4 **Q. What's a completed order?**

5 A. Completed is the default status. When an order
6 gets placed on our system and there's a payment
7 attached to it, by default it goes to completed status.

8 **Q. And what is refunded?**

9 A. Refunded, a CSR basically selects refunded if
10 they refunded the customer the order.

11 **Q. And why would there be blanks in this column?**

12 A. Probably the same scenario, a duplicate.

13 **Q. In situations where an order status is either**
14 **cancelled or refunded, and I don't have a specific**
15 **example, I'm talking generally, but there is -- so it**
16 **says order was cancelled or refunded but then the**
17 **column EN shows zero, does that mean -- what does that**
18 **mean? What could that mean?**

19 A. I think you are going back to the same column.
20 I think you referenced it. I mean, if a CSR inputted
21 it, then that's what it is. It doesn't mean that
22 nothing was refunded.

23 **Q. Could it ever be a case where -- well, I guess**
24 **the charge didn't go through and that's why it was**
25 **zero?**

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1 MR. BLANCHARD: Objection. Form.

2 THE WITNESS: Again, I'm sorry?

3 BY MS. SCHAEFER:

4 **Q. I'm trying to figure out if, so if an order was**
 5 **refunded, could an order ever be -- I guess what I'm**
 6 **wondering is could it be a situation where the refund**
 7 **amount is zero, the order status says cancelled, could**
 8 **it be that the refund amount was zero because, for**
 9 **example, the charge was cancelled before it went**
 10 **through? It was cancelled before the charge went**
 11 **through?**

12 A. Sure. It's possible one scenario.

13 MR. BLANCHARD: Michelle, can we take a
 14 30-minute lunch break?

15 MS. SCHAEFER: Yeah, let me just finish this
 16 one. Let me just finish a couple more questions. No,
 17 we can take a break now.

18 (Whereupon, at 12:51 p.m., a lunch recess was
 19 taken.)
 20
 21
 22
 23
 24
 25

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1 AFTERNOON SESSION

2 (1:31 p.m.)

3 BY MS. SCHAEFER:

4 **Q. So I have one more question about columns EL to**
 5 **ET that I wanted to ask. So if you look at EP, which**
 6 **is refund date, there are instances where the date is**
 7 **populated, suggesting that a refund was given, but then**
 8 **when you go to column EN, it shows zero. And I'm**
 9 **wondering if the fact that it shows zero is because of**
 10 **the fact that a CSR might have not manually entered it.**
 11 **Would that be why there would be a zero there?**

12 A. What is that column, EP?

13 **Q. Yeah, EP is refund date. If you look at the**
 14 **first, you know, 12 entries there and you go to column**
 15 **EN, it's zero all the way down. So I was wondering**
 16 **what would you would account for the zero there?**

17 A. Let's take a look. I'm looking at numbered
 18 row 7. One second. There was no refund for that
 19 order. I mean, the data just came like that with a
 20 refund date, 3/31, is that what the date is.

21 **Q. Row 7?**

22 A. I don't know where 3/31 is pulling from. I
 23 don't know where that date is pulling from, but --

24 **Q. And you are looking at your back end?**

25 A. Yeah. There is no refund on that order.

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1 **Q. And so you don't know why a date would be**
 2 **there?**

3 A. Correct.

4 **Q. And do you think that would be the case for all**
 5 **the orders that have the refund date and then a**
 6 **corresponding refund amount of zero?**

7 A. I don't know why, but it seems like there's
 8 something with relevance to that number, because if you
 9 look at the time stamp, it's all the same. Maybe there
 10 was a process that ran at that time or something like
 11 that, but it might be more of a developer question.
 12 But like I said, the refund amount is manually done, so
 13 that's what it is. Or I think maybe a better -- yeah,
 14 I don't know. It's more of a developer thing. Seems
 15 like the time stamps are all the same.

16 **Q. Are the time stamps in column EL? I mean, what**
 17 **time stamps?**

18 A. EP.

19 **Q. The refund date. If a CSR had not manually**
 20 **entered the refund amount, would it be blank, this**
 21 **column, or would there be a zero?**

22 A. Zero probably.

23 MR. BLANCHARD: Michelle, can I help, please?

24 MS. SCHAEFER: Sure.

25 MR. BLANCHARD: If you look at column FN, there

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1 are amounts there. I'm just thinking it's clearly the
 2 subject of a dispute, I think. It looks like a 1
 3 dispute.

4 THE WITNESS: I don't think that has references
 5 to that because the disputes were done externally. So
 6 I mean, I think what it's doing, if I have to give it a
 7 best guess, I think it's doing a certain batch refund.
 8 It's doing it mainly every hour or doing it at a
 9 certain time of the day, and it's batching all orders
 10 at once and seeing if there's a refund in those orders
 11 and processing it. That's why there's a time stamp
 12 which are pretty much the same for all of them.

13 BY MS. SCHAEFER:

14 **Q. And then what would account for the zero?**

15 A. That's just a zero. That's how the coding is
 16 done.

17 **Q. What's batch processing? What do you mean by**
 18 **that?**

19 A. I'm just guessing. I don't know. I mean, I'm
 20 just saying that there is a process called batch
 21 processing where you don't want to do -- let's say, for
 22 example, if we get 500 orders come in today, the batch
 23 processes at midnight, meaning all orders get charged
 24 at midnight, meaning like it gets settled at midnight.
 25 They don't happen instantaneously. Let's put it that

17 (Pages 563 to 566)

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1 way. So that's called batch processing.
 2 **Q. And they would batch process refunds as well?**
 3 A. Yeah, just it's less load on the server, I
 4 would assume. But again, it's a developer question. I
 5 have no idea.
 6 MR. BLANCHARD: Do you want us to call and try
 7 and get an answer to that question, Michelle?
 8 MS. SCHAEFER: I mean, if you want to.
 9 THE WITNESS: I think he should be --
 10 MR. BLANCHARD: Can we go off? Before we do,
 11 the question, as I understand it, is we are looking at
 12 column EP, refund date, correct?
 13 MS. SCHAEFER: Correct.
 14 MR. BLANCHARD: And the question is why would
 15 there be a date there and no refund amount?
 16 MS. SCHAEFER: Correct.
 17 MR. BLANCHARD: All right. We'll make this
 18 call and get right back on.
 19 (Pause in the proceedings.)
 20 MR. BLANCHARD: There might be an error in the
 21 script which was run to pull all of this data, but he's
 22 going to the verify and e-mail us back. So we should
 23 have that e-mail soon.
 24 MS. SCHAEFER: Okay.
 25 BY MS. SCHAEFER:

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1 **Q. Let's move on now to columns EV through FG,**
 2 **which we will call the dispute section of the chart.**
 3 **And my first question is, is there relevance to the**
 4 **color coding we see of orange, green and blue and**
 5 **purple and orange?**
 6 A. I think it's multiple files, separated by
 7 multiple files.
 8 **Q. What does that mean?**
 9 A. You might have six different colors, I think,
 10 referencing six different files in that parentheses.
 11 **Q. Okay. So we have orange, green, blue, purple,**
 12 **orange, green, yep. So it's the seven underlying**
 13 **sources of information? Is it the seven underlying**
 14 **sources of information?**
 15 A. Six or seven.
 16 **Q. And I went to reference. Is it -- it's**
 17 **referring to the six here next to the disputes?**
 18 A. The colored screen, yeah, it should be.
 19 **Q. Let's start with, just let's look at EV through**
 20 **FG, and let's start with column EV. What does count**
 21 **lost mean?**
 22 A. If we lost a dispute.
 23 **Q. And is EW the amount that was lost?**
 24 A. Yes.
 25 **Q. And then we have EX?**

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1 A. Correct.
 2 **Q. Go ahead. That's the reason for the loss?**
 3 A. Exactly, correct.
 4 **Q. And who comes up with these reasons?**
 5 A. The processor.
 6 **Q. And do these reasons that are in the drop-down**
 7 **menu come from the various payment processors you use?**
 8 A. That's all just one processor, I would assume,
 9 since it's one file.
 10 **Q. Do you know what processor it was?**
 11 A. I would have to go see where it was charged to,
 12 but, no, I don't know what processor it was right off
 13 the top of my head.
 14 **Q. For the reasons lost, I'm going to ask the same**
 15 **thing. Well, based on your previous answer, do these**
 16 **categories, are they created by one data processor?**
 17 A. Correct.
 18 **Q. And EY is the date the dispute was lost?**
 19 A. Sure, correct. Yeah.
 20 **Q. Okay. And then we go to EZ, which is**
 21 **count won. And what does that mean?**
 22 A. If we won the dispute.
 23 **Q. And then we have FA, which is the amount won.**
 24 **And then FB is the reason for the win. And who comes**
 25 **up with these reasons that we see in the drop-down?**

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1 A. Processor.
 2 **Q. And is this from one processor?**
 3 A. I think that whole sheet is from one processor,
 4 the green highlighting.
 5 **Q. Okay. And now let's go to FD, what is count**
 6 **closed?**
 7 A. If there was -- it's not a dispute, but it was,
 8 I would assume, a resolution was that they closed the
 9 account. They closed the dispute.
 10 **Q. Okay. And what about the reason closed, who**
 11 **provides those reasons?**
 12 A. Same thing, processor.
 13 **Q. Is that one processor?**
 14 A. Everything in the green under green, I believe,
 15 is all one processor.
 16 **Q. We are in blue right now.**
 17 A. Yeah, but if you look at the bar, the green bar
 18 is all from one file, the six files.
 19 **Q. Okay. So I guess now I'm confused. So we have**
 20 **orange, green and blue that we looked through.**
 21 A. You see the dark green on the top?
 22 **Q. Yes.**
 23 A. Yeah, so that is all one processor. Underneath
 24 that they are separating it by different files that are
 25 in the folder.

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1 Q. Well, okay, because then that doesn't make
2 sense to me, because if you look at reference, green,
3 my understanding was, reflects the source files for,
4 you know, this chargeback information, dispute
5 information we are looking at. But you said that it
6 comes from the various processors you use. But now you
7 are saying it comes from one processor is what I'm
8 understanding.

9 A. I believe so. I believe all that is from one
10 processor.

11 Q. So that would be EV to, let's say, FT?

12 A. Sure, correct.

13 Q. That does not make sense, because you said,
14 okay, the key, the reference key shows that all of the
15 dispute information in columns EV through FP come from
16 disputes which is here under source files. And at the
17 beginning you said that involved Braintree, Stripe,
18 Amazon and Fiserv, because those were your payment
19 processors. So that --

20 MR. BLANCHARD: Objection.

21 THE WITNESS: That's correct. You might be
22 right. That is correct. It could be multiple
23 processors.

24 BY MS. SCHAEFER:

25 Q. But you don't know?

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1 A. I don't know.

2 Q. Now let's go back to look at, you know, these
3 three sort of categories we were looking at, which is
4 we have orange, we have green, and we have blue. And I
5 might have misunderstood. What I thought you testified
6 to was that all orange represented one payment
7 processor. All green represented another and the blue
8 represented another one. Is that incorrect?

9 A. To keep it simple, I think it represents each
10 individual file. Now, a payment processor probably
11 gave me two files and that's how it's separated. But
12 to keep it simple, it's represented by each individual
13 file, the six files that you see in that folder.

14 Q. So your testimony is that the orange columns
15 are associated with one particular file?

16 A. I believe so, yes.

17 Q. Okay. But then you would be -- there would be
18 information missing because --

19 A. Why is that?

20 Q. Presumably here, and let me get to some other
21 information there. But so if count lost is Zaappaaz
22 lost, you're saying that that's just coming from one
23 payment processor, but you probably lost with many
24 payment processors. Not just one. And then the next
25 green is count won, which is what Zaappaaz won. But

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1 you won with probably multiple processors. Not just
2 one.

3 A. Correct.

4 Q. And then if you go to blue, FD count closed,
5 your testimony was those were resolved, you think, or
6 were separate -- you lost or you won, it's another
7 category. Again, there would have been resolutions
8 with you and customers through other payment
9 processors, more than one?

10 A. Correct.

11 Q. So I'm confused how these can just come from
12 one file.

13 A. Well, what is the other one?

14 Q. We'll move on. So now let's go to FH through
15 FT. This is also disputes and it's also the sources
16 are the same, files marked by the color green. What's
17 interesting, and I have been asked why this was set up
18 this way, is we understand that this portion of the
19 chart, which is FH to FT, columns FH to FT is a
20 standalone chart and does not correspond to the other
21 parts of the chart. Why is that?

22 A. Two different companies presented in two
23 different ways.

24 Q. What companies are you referring to?

25 A. Processors. I don't know which file references

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1 which processor, but however they data dealt it to me,
2 that's how we presented it on here. One company could
3 call it dispute lost or one company could call it lost
4 dispute. So I mean, it's just how they reference it.

5 Q. So are you saying that columns FH to FP, the
6 information there comes from a different payment
7 processor?

8 A. This looks like it's coming from Stripe.
9 Actually, I can tell you if that's really important.
10 I'm more than happy to see if I can figure it out if
11 you give me an order number on that one right there,
12 the first one.

13 Q. The very first?

14 A. Yeah.

15 Q. Order, yes, it's 220476312.

16 A. Yeah, I don't have that data in the back end as
17 to which processor it was. I just messaged the
18 developer on the side.

19 Q. Wait, I'm sorry. I didn't hear what you said.

20 A. I don't have that information on the back end
21 as to which processor it was, but I just messaged the
22 developer to see if he can find out what processor that
23 was. And you can pretty much assume that that is for
24 that column that's that processor.

25 Q. So I guess I'm talking about FH to FT. Are you

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1 saying, again, that each color is a different
2 processor?

3 MR. BLANCHARD: Michelle, I think this is
4 something we need to go to the developer on as well,
5 because if I understand, your question basically where
6 is, you know, that disputes (6) file, you want to know
7 what the source of that is, whether that's all one
8 payment processor, multiple ones. That's basically
9 what you are asking, am I right?

10 MS. SCHAEFER: Correct. Why don't we do this,
11 we can bring up -- let's bring up the source sheet for
12 that and maybe that will help before we do anything
13 else. Sorry, I'm trying to find the chart.

14 BY MS. SCHAEFER:

15 Q. So this is Zaappaaz 0020589, and we will mark
16 it as Zaappaaz Exhibit 58.

17 (Zaappaaz Exhibit Number 58 was marked for
18 identification.)

19 BY MS. SCHAEFER:

20 Q. Is this the underlying chart for the dispute
21 information? Is this the source?

22 A. Yes. I think that's all coming from one
23 processor.

24 Q. And so you think -- what processor do you think
25 this is?

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1 is the only chart that has chargeback dispute
2 information other than Paypal. And so that would
3 suggest that this is all coming -- all the information
4 we see in the dispute section is all coming from one
5 payment processor and not, you know --

6 A. That's right, yeah. It could be that Stripe
7 was overlooked. I can extract that data as well pretty
8 simple.

9 Q. So I guess now I'm confused. Are you saying
10 this is Stripe or this is not Stripe?

11 A. That is not Stripe.

12 Q. And so what is this we are looking at? Is it
13 Braintree and Fiserv that we are looking at?

14 A. I think that is Stripe, actually, from the
15 dates of when it looks like. Give me a second. Yeah,
16 that looks to me like Braintree, which is Fiserv.

17 Q. Okay. So you were testifying that you believe
18 that this comes from Braintree, and now if we go back
19 to the master chart, so where in these rows EV to FT
20 would that Braintree information be encompassed? Would
21 it be EV to FG?

22 A. Everything that's green.

23 Q. So now, so if it's Braintree, let's go back to
24 EV through FG. Does that change your testimony that
25 what we see EV to FG comes from Braintree records?

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1 A. I think that's Fiserv, I believe. And the
2 reasons it's broken down like that, just to give you
3 clarity, if you look at column N, that's the only
4 identifier that we have to cross-reference our orders.
5 We don't have any other identifier. That is our only
6 identifier to cross-reference our orders. What we did
7 is we took that and cross-referenced it with order
8 details. So if there are e-mails matched, that's how
9 we attach this to that order.

10 Q. So you take the e-mails and you run it against
11 your order system?

12 A. No, we run it against our main -- the sheet
13 that we were looking at.

14 Q. So you took your payment processor records
15 and/or the records you got from your payment
16 processors, and the only way to figure out the
17 chargeback dispute information was to run those e-mails
18 across the master chart, which I'm calling the main
19 chart?

20 A. That's correct.

21 Q. Okay. And this is all one payment processor?

22 A. I would say so, yes.

23 Q. Well, I will let you know that in terms of the
24 underlying source information and the charts you have
25 provided, which I have gone through all of them, this

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1 A. Correct, yes.

2 Q. And so going back to reason lost -- well, going
3 back to EV count lost, that still reflects that
4 Zaappaaz lost; is that right?

5 A. Correct.

6 Q. And would EX, reason lost, come from Braintree?

7 A. Correct.

8 Q. And EZ still represents instances where
9 Zaappaaz won the chargeback dispute?

10 A. EZ, correct, yes.

11 Q. And then column FB, the reasons for the win are
12 reasons provided by Braintree; is that right?

13 A. That's correct.

14 Q. So now if we go to FD through FG, is it the
15 same? Count closed, does that still mean that you
16 resolved this in some other fashion?

17 A. Yes.

18 Q. And reason closed, that comes from Braintree?

19 A. Correct.

20 Q. Okay. So now let's look at FH to FP, which
21 like I said, is a standalone section of the
22 spreadsheet.

23 A. Yeah.

24 Q. And so is this -- and let's look at, go to FJ.
25 You see amount lost?

<p style="text-align: right;">579</p> <p>1 A. Um-hum.</p> <p>2 Q. What's that number represent, 346,424?</p> <p>3 A. I think that's the total accumulation of FJ.</p> <p>4 Q. The total accumulation -- okay. And let's go</p> <p>5 to FN, which says amount won. What does that</p> <p>6 represent?</p> <p>7 A. Same thing, total accumulation.</p> <p>8 Q. Are you saying that all the information here,</p> <p>9 FH through FT, is also from Stripe?</p> <p>10 A. From Braintree.</p> <p>11 Q. I'm sorry, from Braintree?</p> <p>12 A. Correct. I think what he did is he just</p> <p>13 basically separated it and created columns based on</p> <p>14 win, lost and closed. That's all he did.</p> <p>15 Q. Why would he separate it out like into a</p> <p>16 separate spreadsheet?</p> <p>17 MR. BLANCHARD: Objection. Form.</p> <p>18 THE WITNESS: A separate spreadsheet, can you</p> <p>19 drop the filter on EV and see what's in there?</p> <p>20 BY MS. SCHAEFER:</p> <p>21 Q. EV, yes.</p> <p>22 A. Okay. I think I know what he's doing. If so,</p> <p>23 what he's doing here is he's finding an order that</p> <p>24 matches, okay, and then he's marking it with a 1 or</p> <p>25 whatever number it is. I think what he's doing, if</p>	<p style="text-align: right;">581</p> <p>1 numbers on there, so he's taking like the whole extract</p> <p>2 and just pasted it there. So I would assume that is</p> <p>3 the first chargeback on the main reference sheet, if my</p> <p>4 guess is correct. Is that true?</p> <p>5 Q. Let's see.</p> <p>6 A. I think he probably just copied and pasted.</p> <p>7 Yeah, so what he's done is copied and pasted this whole</p> <p>8 thing because we don't have an order number referenced.</p> <p>9 What he's doing is he's pasting all that data there and</p> <p>10 now he's telling the system look for evidence at new</p> <p>11 whatever, okay, and it's finding that order and</p> <p>12 basically superimposing it on the right side of</p> <p>13 wherever that order is.</p> <p>14 Q. Okay. All right. I understand. But so is the</p> <p>15 same information in EY through FG? I know it's not in</p> <p>16 the same order, but is it populated in both places?</p> <p>17 A. No. There's functions for what he's doing on</p> <p>18 the left side of the e-mail and on the right side of</p> <p>19 the e-mail. On the left side of the e-mail, he's using</p> <p>20 that as a reference to find the order. He's telling</p> <p>21 the system, hey, I found an order for this that was on</p> <p>22 the list, okay. I found the order. Now on the right</p> <p>23 side find that customer and superimpose the data.</p> <p>24 Q. I see. So for purposes, if we were going to</p> <p>25 use this information to calculate injury, we would be</p>
<p style="text-align: right;">580</p> <p>1 that number one matches, he's created a formula to go</p> <p>2 to the next column, which is on the right side of the</p> <p>3 e-mail.</p> <p>4 Q. Wait. So we were at EV.</p> <p>5 A. Yeah. So he's trying to find if there's any</p> <p>6 orders that match that e-mail address. And if it does</p> <p>7 match that, he marks it, he ticks it. It's a script he</p> <p>8 probably wrote. He ticks it meaning that, hey, I</p> <p>9 recognize the order and I am going to impose the data</p> <p>10 on the right side of the e-mail, all that. It's the</p> <p>11 same replication on the right side. Keep going to the</p> <p>12 right. Right there. He superimposes all that data</p> <p>13 right there in the same format.</p> <p>14 Q. Okay. I'm sorry. You have to explain that to</p> <p>15 me. I'm having a hard time understanding, like, how EV</p> <p>16 to FG corresponds to FH to FT outside of all of it</p> <p>17 coming from Braintree.</p> <p>18 A. So if you go to EV again, the drop-down.</p> <p>19 Q. So this EV, just so I'm clear, right here is</p> <p>20 going to correspond to this order here, okay, but it's</p> <p>21 not going to correspond to this.</p> <p>22 A. That is correct.</p> <p>23 Q. So that's what I'm wondering.</p> <p>24 A. Yeah, so all he's doing is he is taking the</p> <p>25 extract of that order, because we don't have order</p>	<p style="text-align: right;">582</p> <p>1 looking at FH to FQ?</p> <p>2 MR. BLANCHARD: Objection to form.</p> <p>3 BY MS. SCHAEFER:</p> <p>4 Q. Would we be looking at that?</p> <p>5 MR. BLANCHARD: Objection. Form.</p> <p>6 THE WITNESS: I don't know how you calculate</p> <p>7 injury, but that is -- that refund or chargeback should</p> <p>8 relate to that specific customer.</p> <p>9 BY MS. SCHAEFER:</p> <p>10 Q. And my point is so are you saying that EV and</p> <p>11 FG, to a certain extent, is duplicative of FH to FT?</p> <p>12 MR. BLANCHARD: Objection. Form.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MS. SCHAEFER:</p> <p>15 Q. So where is the information related to Stripe?</p> <p>16 A. I believe it's already been imposed into the</p> <p>17 master data file, but I would have to confirm that.</p> <p>18 I'm not sure.</p> <p>19 Q. And I mean, there is no source file for it. So</p> <p>20 I'm not sure that it is encompassed in this chart.</p> <p>21 Would it be encompassed under refunds?</p> <p>22 A. Possibly. We can provide the source file. No</p> <p>23 issues.</p> <p>24 Q. And where is the info -- chargeback info</p> <p>25 related to Empire?</p>

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1 A. That is -- I think that is Empire.

2 **Q. What is Empire?**

3 A. That right there. Empire is --

4 **Q. What right where?**

5 A. What I'm seeing now. Braintree is Empire.

6 Well, Braintree is not Empire.

7 **Q. I don't think that's right. Braintree is not**
 8 **Empire. Empire is the independent sales organization**
 9 **or agent of Fiserv. But those are two separate -- you**
 10 **use Braintree to process payments and you also used**
 11 **Fiserv. And Empire was, you know, a liaison?**

12 A. You got it right on the nail. Empire is an
 13 agent. Braintree is a gateway. Fiserv is the
 14 processor. Now, I mean, these are schematics. Those
 15 are terms. Fiserv is the one that processes.
 16 Braintree is what connects to my website to process
 17 those transactions. So they are all interrelated in
 18 some way.

19 **Q. So your testimony is that Braintree**
 20 **represents -- Exhibit 58 encompasses Braintree/Empire**
 21 **data?**

22 A. Yes.

23 MR. BLANCHARD: I think, Michelle, we are happy
 24 to get on the phone and verify that.

25 BY MS. SCHAEFER:

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1 doing, he was cross-referencing them and eliminating
 2 the ones that are duplicate on both ends so it's not
 3 double data. So if there was a refund done on our
 4 system and it's going to post it there, he did not take
 5 it from the data from the dispute section.

6 **Q. Okay. Walk me through that again.**

7 A. Can I get a dispute that's yes, please, on FX?

8 **Q. You want to pick one?**

9 A. I'll take the first one. So what this means is
 10 we have a tag on our back end called disputed, and we
 11 added this tag because we started to get a lot of
 12 fraudulent orders. So what we did was we took every
 13 time a dispute came from Stripe, it automatically added
 14 that tag to this customer's order, whatever the dispute
 15 was regardless, and it basically put a tag on it saying
 16 it was disputed. So if the customer placed the order
 17 again, we would know that was disputed previously so
 18 before we processed the order, we want to make sure
 19 what we are looking at that it's not a fraudulent order
 20 again. So that's what the yes or no means on disputed.

21 **Q. Okay.**

22 A. And it definitely means that it was disputed.

23 **Q. So this -- go ahead.**

24 A. And that data is Stripe's data. I could give
 25 you the raw data if you need, but that data is -- all

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1 **Q. I mean, if you are testifying that's what it**
 2 **is, I'll take your word for it. So for Exhibit 58, it**
 3 **looks like there's about 395 transactions. Does that**
 4 **mean there were only 395 chargeback disputes?**

5 MR. BLANCHARD: Objection. Form.

6 THE WITNESS: Probably just for that processor,
 7 yes.

8 BY MS. SCHAEFER:

9 **Q. Now let's look at FV to GA. And tell me what**
 10 **information is here. So we have FV is the column, and**
 11 **that's the order ID. And that speaks for itself. Then**
 12 **we have FW, which says total. What is the total?**

13 A. (Reviewing document.)

14 **Q. I'm sorry, did you answer?**

15 A. Total refers to the total amount of the orders
 16 charged.

17 **Q. And what does disputed mean?**

18 A. If it was ever disputed.

19 **Q. And does it dispute a chargeback dispute?**

20 A. Correct.

21 **Q. And how does this information, FV-GA, line up**
 22 **to the previous dispute information?**

23 A. So remember I told you that there's some manual
 24 processes that are done; there's some processes that
 25 are overlooked and not done. So I think what he was

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1 those orders are being pulled from Stripe.

2 **Q. Okay. And so this is all Stripe data. And yes**
 3 **refers to the fact that it had been -- it was disputed?**

4 A. Correct.

5 **Q. And how do you know from here who won or lost,**
 6 **because we don't have that information? In other**
 7 **words, we are missing, you know, the Stripe**
 8 **information. Or does this total somehow reflect**
 9 **chargebacks?**

10 A. Either it reflects chargebacks, but I can get
 11 the raw data and I cannot answer that. I would assume
 12 it's only data that's refunded back to the customer.
 13 But again, I don't know. I can get you the raw data on
 14 that.

15 **Q. Okay.**

16 MR. BLANCHARD: I think we actually produced
 17 that, Michelle.

18 MS. SCHAEFER: Yeah, I'm going to pull it up.

19 BY MS. SCHAEFER:

20 **Q. You produced the underlying chart. So I**
 21 **thought that FW was the same as column U, which is just**
 22 **like total amount paid by consumer. But is that not**
 23 **the case?**

24 A. Say that again.

25 **Q. So here we have column U. And that comes from**

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1 your back end, and that's, you know, the amount of
2 money for the order. And so then we go all the way
3 here and then we have FW. So I think I'm wrong in my
4 assumption that those are the same based on what you
5 said; is that right? My question is, are column U
6 total and column FW total different?

7 A. Could be.

8 **Q. And why would they be different?**

9 A. Maybe they received 500 gloves versus 600
10 gloves or maybe something was damaged and they only
11 disputed a portion amount, but it could be different.
12 Most likely they dispute the whole amount and then it
13 gets adjusted, but it can be different.

14 **Q. But the amount in total column FW is the amount
15 of money at issue in Stripe disputes; is that right?**

16 A. I believe so, yes.

17 **Q. So let's go to that underlying chart. So this
18 is Zaappaaz 0020592. And I'm marking it as Zaappaaz
19 Exhibit 59.**

20 (Zaappaaz Exhibit Number 59 was marked for
21 identification.)

22 BY MS. SCHAEFER:

23 **Q. It looks like just the same exact information.
24 Is it the same exact information as --**

25 A. I think so, yeah.

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1 **Q. Okay. You said that you could get us, you
2 know, the outcome of the dispute, who won, who lost,
3 what was closed.**

4 A. I think it was provided already, but, yes, we
5 can get it if you don't have it.

6 **Q. When was it provided? If you can identify the
7 document, that's fine.**

8 MR. BLANCHARD: Michelle, this spreadsheet
9 tells you whether it was won or lost.

10 MS. SCHAEFER: Whether it was what?

11 MR. BLANCHARD: Won or lost.

12 MS. SCHAEFER: No, it doesn't. Based on his
13 testimony it doesn't because his testimony was the
14 green dispute all comes from Braintree and Fiserv.
15 Although I'm still not sure about that. And that he
16 testified that those other columns, FV to GA, come from
17 Stripe. So it's not here, based on his testimony.

18 MR. BLANCHARD: I understand.

19 BY MS. SCHAEFER:

20 **Q. Let's go to source. So now let's look at
21 columns GC through GH. And is this Paypal dispute
22 information?**

23 A. Correct.

24 **Q. And the refund information is in -- is the
25 refund information column GE? No, wait. Actually,**

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1 first I was asking about Paypal. So the total was --
2 GH is the total of chargebacks? Is it the total, GH?

3 A. I'm checking. I don't know how you are getting
4 that, how it's calculating.

5 **Q. I don't know. I just see it.**

6 A. Are you filtering something?

7 **Q. I think I might have. Hang on. I did. Sorry.**

8 MR. BLANCHARD: I think you are just not seeing
9 any yet.

10 BY MS. SCHAEFER:

11 **Q. So what does this total represent?**

12 A. I think that's the total refund, 282 refunds
13 were done on Paypal during that time period, and that
14 was the total amount for that.

15 **Q. Okay. We can take a break in a second. I just
16 want to see if I want to ask questions about -- do you
17 see this screen?**

18 A. I do.

19 **Q. So this is Zaappaaz 0020594. And we'll mark it
20 as Zaappaaz Exhibit 59.**

21 (Zaappaaz Exhibit Number 60 was marked for
22 identification.)

23 MS. COLLESANO: Michelle, did you mark the
24 previous one as 59 or are you not using it?

25 MS. SCHAEFER: I'm sorry, no, did I mark the

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1 previous one as 59? I'm using whatever I have marked
2 already. So am I on 60, Anne?

3 MS. COLLESANO: I think it's 60.

4 MS. SCHAEFER: So I'm going to remark this as
5 Exhibit 60. Thank you, Anne.

6 BY MS. SCHAEFER:

7 **Q. So for transaction date, these are transactions
8 in 2019 and in January and February of 2020, and I have
9 isolated them because I thought that you started
10 selling PPE, covered products, in March. And so I'm
11 wondering why these orders would be here?**

12 A. It doesn't have an order number?

13 **Q. Is transaction invoice ID the order number?**

14 A. Your question is, it's out of the date range?
15 Is that what you are asking?

16 **Q. So we deposed you in August, and your testimony
17 was that you started selling covered products in March.
18 So here we are with chargeback disputes related to your
19 sale of your covered products, but the transaction
20 dates are in January and February of 2020, which was
21 before I thought you started selling covered products.
22 So I'm wondering --**

23 A. My testimony is still intact. We started
24 selling sometime in March. It doesn't mean that the
25 disputes are -- these are an extract of a complete list

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1 of disputes from the date range that was a given that I
2 needed extract from. Now, I could give you a -- you
3 could probably read from what the buyer comments are
4 and you could tell what the product is, but it's
5 probably not -- yeah, you could tell, wristbands, I
6 believe, but it's not PPE products.

7 **Q. Okay. But this information comes from Paypal's**
8 **platform; is that right?**

9 A. Correct.

10 **Q. I'm going to show you an example and see if you**
11 **can explain to it me. So I filtered by this e-mail**
12 **address, and there are about 29 orders associated with**
13 **the e-mail address. And then when you scroll over**
14 **to --**

15 A. If I can get one of the order numbers first.

16 **Q. Sure. I'll give you them. The first order out**
17 **of the 29 is 220540721. And my question is, when you**
18 **go to the dispute information --**

19 A. I don't think we have a dispute.

20 **Q. I'm just going and showing you what I have**
21 **here. So this shows -- this spreadsheet has a mind of**
22 **its own.**

23 MR. BLANCHARD: Can we take that break,
24 Michelle, I'm sorry?

25 MS. SCHAEFER: Sure. I have forgotten about

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1 the break.

2 (A recess was taken.)

3 BY MS. SCHAEFER:

4 **Q. So I filtered by an e-mail address, and then**
5 **you can see here under column U total there's several**
6 **different amounts in each cell. But then you scroll --**
7 **I'm sorry.**

8 MR. BLANCHARD: It's all good.

9 BY MS. SCHAEFER:

10 **Q. So then we get to EV. Okay. I might**
11 **understand. So then it keeps going. I don't**
12 **understand what's going on here. I'm trying to get us**
13 **to the dispute section. So you see you have column EW,**
14 **amount lost, and it's populating as if the consumer --**
15 **I mean, you lost \$3,166 for every order. But what it's**
16 **doing is pulling in the total amount and populating it**
17 **with the total amount as if you lost a dispute for**
18 **every order for this amount of money. And I was going**
19 **to ask why that's happening, but I'm wondering now that**
20 **you explained earlier that this was a part of the chart**
21 **Priyank was using for purposes of the calculation, I'm**
22 **wondering if we go here --**

23 A. Not Priyank. Andrei.

24 **Q. But there's no corresponding information in**
25 **there. So that actually wouldn't make sense, according**

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1 **to how you explained it, right? Because this would**
2 **suggest there was a, you know, dispute with Braintree**
3 **or Empire or Fiserv, as you said. So it would have to**
4 **be in FH through whatever that last, FT. So I'm**
5 **wondering, I mean, if you know what's going on.**

6 A. I don't know what's --

7 MR. BLANCHARD: Objection. Form.

8 BY MS. SCHAEFER:

9 **Q. Do you know why this amount under EW is being**
10 **repeated 29 times?**

11 A. I do not know. I'm sure there's a reason
12 behind it as to why it's repeating it, but I do not
13 know.

14 **Q. All right. I want to --**

15 A. Can you look at the total value. I think you
16 have a value calculation, right?

17 **Q. Where would that be?**

18 A. Somewhere on the right where you have it.
19 Scroll us to the right.

20 **Q. Yep.**

21 A. I don't know why there's no e-mails on this
22 either. Why is it missing the e-mails?

23 **Q. Right. And why -- yeah, I don't know. Well, I**
24 **want to just go through quickly for identification**
25 **purposes some of these -- we went through some of them,**

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1 **but I want to go through some of these source documents**
2 **here. It's a big chart, so it's taking a while.**

3 **Sorry. Okay. So is this the underlying FedEx chart?**

4 A. It looks like it, yes.

5 **Q. And the payer account is for Zaappaaz LLC 2; is**
6 **that right?**

7 A. Could be. I can't tell from the number.

8 **Q. And this information was pulled from FedEx**
9 **records?**

10 A. Correct.

11 **Q. And you are able to go in through your account**
12 **and pull the information?**

13 A. Correct. If it was my account, yes.

14 **Q. And if it wasn't your account, you would have**
15 **to rely on the owner to go in and pull the information?**

16 A. That's correct.

17 **Q. I'm looking at column G, service description.**
18 **Does this include all the different modes of**
19 **transportation that FedEx provided?**

20 A. Yeah, exactly. I mean, yeah, right.

21 **Q. What's FedEx economy?**

22 MR. BLANCHARD: Objection. Form.

23 THE WITNESS: I don't know. I mean, it's one
24 of their services, I guess.

25 BY MS. SCHAEFER:

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1 **Q. Does FedEx economy, does it mean, if you know,**
2 **that packages will be delivered in a certain amount of**
3 **time?**

4 MR. BLANCHARD: Objection. Form.

5 THE WITNESS: Yeah, if you go to FedEx's
6 website and type in standard transit times in the
7 United States, putting your ZIP code, where you are
8 shipping from, it will tell you the standard shipping
9 transit time from here to Chicago, here to New York,
10 and it will give you the estimated shipping times.

11 BY MS. SCHAEFER:

12 **Q. And now I'm looking at column H, package type.**
13 **Does this encompass the different packaging that you**
14 **use to package FedEx shipments?**

15 MR. BLANCHARD: Objection. Form. Calls for
16 speculation.

17 BY MS. SCHAEFER:

18 **Q. Do you know the differences between these**
19 **categories?**

20 A. No. I mean, I think 99 percent of the time we
21 used our own packaging.

22 **Q. Your own packaging?**

23 A. Correct.

24 **Q. Would that be customer packaging?**

25 A. I believe so.

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1 **Q. Your, did I mark this? I'm not sure I marked**
2 **this. I'm going to mark this, Zaappaaz 0020593, I'm**
3 **going to mark it as Zaappaaz 61.**

4 **(Zaappaaz Exhibit Number 61 was marked for**
5 **identification.)**

6 MS. SCHAEFER: I'm sorry, can I take a
7 one-minute break.

8 MR. BLANCHARD: Yes, of course.

9 (Pause in the proceedings.)

10 BY MS. SCHAEFER:

11 **Q. Now I've pulled up Zaappaaz 00020591 that I'll**
12 **mark as Exhibit 62.**

13 **(Zaappaaz Exhibit Number 62 was marked for**
14 **identification.)**

15 BY MS. SCHAEFER:

16 **Q. And so I can tell you that this account is**
17 **related to GZ Hishuang E-business Company Limited that**
18 **we spoke about earlier. And what I'm wondering is why**
19 **doesn't this spreadsheet contain the same detail that**
20 **Zaappaaz Exhibit 61 does?**

21 MR. BLANCHARD: Objection. Form.

22 THE WITNESS: Maybe you didn't select all
23 fields. We provided all the fields that we had
24 available on our sheet, and they provided whatever they
25 provided.

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1 BY MS. SCHAEFER:

2 **Q. So walk me through that. What did you provide**
3 **to them?**

4 A. No, I provided from what I had access to, I
5 selected all the fields that were available to be
6 exported and just data dumped it and gave you that. I
7 asked for data from their side, and this is what I
8 received.

9 **Q. I see. And were you able -- you have access to**
10 **specific customer information tied to these tracking**
11 **numbers?**

12 A. Yeah, these are my customers, I would assume.

13 **Q. And could you have pulled the customer**
14 **information?**

15 MR. BLANCHARD: Objection. Form.

16 THE WITNESS: Yeah, sure. Yeah, I can. I
17 believe so, yeah. They are my orders, most of them.
18 Most of them, actually. Yeah, if you scroll down,
19 yeah, most of them I can pull them up.

20 BY MS. SCHAEFER:

21 **Q. And they gave -- how are you able to figure out**
22 **what customers you needed information about? Does that**
23 **come from your database?**

24 A. I don't understand your question.

25 **Q. How did you know what customers to seek**

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1 **tracking information about? In other words, how did**
2 **you -- what did you do to go about generating this**
3 **particular spreadsheet?**

4 A. They basically gave me a list of their
5 customers, my customers, everybody's customers.

6 **Q. What do you mean by everybody's customers?**

7 A. The vendors' customers.

8 **Q. That weren't your customers? I guess I'm**
9 **getting confused here. So they have a database that**
10 **contains all information related to shipments. Do you**
11 **generally have access to their information?**

12 A. I do not have access to their FedEx account,
13 no.

14 **Q. So you asked for certain information?**

15 A. I asked for all orders shipped from March all
16 the way to December. I just told them to extract it
17 and send it to me. I don't think there's a way for
18 them to extract just my orders.

19 **Q. Walk me through that one time again. I got**
20 **confused at the end of that. So you contacted them and**
21 **you said, give me -- what did you ask for them to give**
22 **you?**

23 A. I told them from the FedEx account from March
24 all the way to December, extract all the shippings you
25 did and send it over to me.

<p style="text-align: right;">599</p> <p>1 Q. And then you took that list and then how did 2 you -- 3 A. Cross-referenced it with the order numbers. If 4 the order numbers matched my order numbers, I took that 5 tracking number. 6 Q. Okay. And for the FedEx chart that we looked 7 at before, how did you go in and pull that information? 8 A. Just my account, is that the one you are 9 referring to? 10 Q. Yes. 11 A. FedEx.com. 12 Q. Yes. 13 A. That's my answer, FedEx.com. 14 Q. So you went into your account, and how do you 15 pull the information from there? 16 A. You go to reports and you just select a date 17 range and select. 18 Q. And do you search by tracking number? 19 A. No. 20 MR. BLANCHARD: Objection. Form. 21 THE WITNESS: Search by date. 22 BY MS. SCHAEFER: 23 Q. Search by date? 24 A. Date range. So March 2020 all the way to 25 December 2020, and it just gives me a data dump.</p>	<p style="text-align: right;">601</p> <p>1 order numbers reference to us, but what is in reference 2 to us, we extracted that and superimposed it to the 3 master sheet. 4 Q. What did you say, you said something to the 5 extent it matched? I didn't quite catch it. Something 6 about him not sending all of it? I didn't quite catch 7 it, so I'm not sure what you said. 8 A. Yes. You understand this is not our UPS 9 account, correct? 10 Q. Correct. 11 A. So they are shipping other customers goods as 12 well. You understand that? 13 Q. Um-hum. 14 A. So what I'm trying to say is they gave me a 15 whole data dump of their account. So you are going to 16 see our orders as well as their other customers' orders 17 as well. So for us to reference it, what we did is I 18 believe we took the tracking number and matched it with 19 our tracking number and took that data from there. 20 Q. So it was different than what you did with the 21 FedEx account information from Chandler Liu? 22 A. Same thing. We did the same thing. I think 23 they could have even -- I think the order number would 24 have been easier to pull. 25 Q. I thought you used order number for the FedEx,</p>
<p style="text-align: right;">600</p> <p>1 Q. So this is Zaappaaz 0020590. And this is for 2 the My Speed Limited account. So tell me how you 3 obtained this information. 4 A. Same exact way the one before this. 5 Q. Okay. So this is -- we'll mark this as 6 Zaappaaz 63. 7 (Zaappaaz Exhibit Number 63 was marked for 8 identification.) 9 (A recess was taken.) 10 BY MS. SCHAEFER: 11 Q. So I found the chart I was looking for, and 12 this is Zaappaaz 0020595. And I wanted to ask, is this 13 the underlying UPS chart that supports tracking numbers 14 in the master chart? Sorry, I'm not sharing the 15 screen. 16 MS. COLLESANO: Michelle, are you marking this 17 as an exhibit? 18 MS. SCHAEFER: Yes, let's mark this as 19 Zaappaaz 64. 20 (Zaappaaz Exhibit Number 64 was marked for 21 identification.) 22 BY MS. SCHAEFER: 23 Q. What's contained in the spreadsheet? 24 A. It's the same, the account extracted from, I 25 guess, March all the way to December of 2020. Not all</p>	<p style="text-align: right;">602</p> <p>1 Chandler's FedEx information? 2 A. I don't know what they used, Michelle. I'm 3 just saying maybe they used order number or the 4 tracking number. If you asked me, I would probably use 5 the order number to cross-reference it. But it doesn't 6 matter what you use, it comes out to the same thing. 7 Q. Are you saying this spreadsheet includes orders 8 that don't come from you? 9 A. Again, this is not my account. So, yes, there 10 are customers that they do ship for. So, yes, it would 11 include orders that's not for me as well. 12 Q. And is that the case also for Chandler's FedEx 13 account spreadsheet? 14 A. Absolutely. 15 Q. So now this is Zaappaaz 0020587, and I'll mark 16 it as Zaappaaz 65. 17 (Zaappaaz Exhibit Number 65 was marked for 18 identification.) 19 BY MS. SCHAEFER: 20 Q. And this spreadsheet is all PPE orders 21 March 20th through December 20th - latest. That's what 22 it's named. So I'm wondering where did this 23 information come from? I believe you testified to this 24 at the beginning. 25 A. Yep, this is from our back end.</p>

<p style="text-align: right;">603</p> <p>1 Q. So all this information is contained in your 2 back end? 3 A. That's correct. 4 Q. One last -- my last question about the charts, 5 I was wondering what would account for like complete 6 rows of blanks in this section EL to ET? Why would 7 there be no available information? 8 A. Duplicate maybe. 9 Q. What does duplicate mean, again? 10 A. Just same order number twice with multiple 11 shipments. 12 Q. Okay. We can close out of this chart. So 13 right now what I want to do is talk about some of 14 the -- I want to go through the WhatsApp transcripts 15 that you produced. But before I do that, I want to ask 16 you who some people are who I identified reading these 17 transcripts. And I didn't know who they were, so I 18 want to ask you before we get into them. So who is 19 Ryan? 20 A. That's Chandler's nephew. 21 Q. And they work together? 22 MR. BLANCHARD: Objection. Form. 23 THE WITNESS: I think so, yeah. 24 BY MS. SCHAEFER: 25 Q. Who is Bruce?</p>	<p style="text-align: right;">605</p> <p>1 A. He is one of the warehouse workers. 2 Q. And Ali? 3 A. He is my brother-in-law. 4 Q. Does he have any relationship to Zaappaaz? 5 A. No. 6 Q. What is Sherez team? 7 A. Sherez? 8 Q. Sherez team is something I kept seeing. 9 A. Sherez team? I don't know what that 10 references. Sherez is a partner in another company. 11 Q. Is he a partner in Ionized? 12 A. He is. 13 Q. Mary? 14 A. Mary is from ASI, a wholesale distribution 15 company or a co-op. 16 Q. What is ASI? 17 A. It's like a co-op of promotional products 18 people. Distributors and suppliers are in that 19 organization. 20 Q. Is it like a trade association? 21 A. Yeah, something like that. 22 Q. For suppliers of -- 23 A. Suppliers and distributors both. 24 Q. Then Grainer? 25 A. I don't know what that is.</p>
<p style="text-align: right;">604</p> <p>1 A. One of the vendors for our lanyard products. 2 Q. Who is Alvin? 3 A. A vendor. 4 Q. What did he sell? 5 A. I don't know. I think it was some promotional 6 products he sold to us. 7 Q. Helen? 8 A. I think Chandler's niece. 9 Q. Hui, H-U-I? 10 A. Chandler's assistant. 11 Q. Queen Crowbow? 12 A. Just a definition of products that we had an 13 agreement with Chandler and us where he basically, if 14 we -- it's just products that we did with him that were 15 not on our website that a customer requested. 16 Promotional products. 17 Q. Who is Shirley? 18 A. Another vendor. 19 Q. What did she sell? 20 A. Same, wristbands, I believe. 21 Q. Who is Dishan? 22 A. Who? 23 Q. D-I-S-H-A-N? 24 A. He is one of the partners of Zaappaaz. 25 Q. Who is Nazim?</p>	<p style="text-align: right;">606</p> <p>1 MS. SCHAEFER: Some are we on Exhibit 66? 2 MS. COLLESANO: I think so. 3 (Zaappaaz Exhibit Number 66 was marked for 4 identification.) 5 BY MS. SCHAEFER: 6 Q. This is a WhatsApp transcript between you, 7 Eroze and Fatima. And I'm going to be asking you 8 questions about these exchanges. So the first thing I 9 want to know is you say here -- 10 MR. BLANCHARD: Michelle, which Bates number 11 are you talking about? 12 MS. SCHAEFER: I'm on 0012143. I wish there 13 was a way that I could take you to my page, but of 14 course, I can't remember. Well, I'm on 0012143, which 15 is the very first page. And there at the time stamp 16 3:21:42, you say, "For now", it says Jeep, but I think 17 you meant for now keep month to month. 18 MR. BLANCHARD: Can we get there real quick, 19 Michelle? What page is that? 20 BY MS. SCHAEFER: 21 Q. This is on the very first page. 22 A. Okay. 23 Q. And you say -- 24 A. What is the time stamp? 25 Q. The time stamp is 3:21:42 where Azim says, "For</p>

<p style="text-align: right;">607</p> <p>1 now Jeep month to month." But they're talking about 2 rent, so I think that's keep month to month. And my 3 question was -- so were you paying the rent for Eroze 4 and Fatima's business? 5 A. We were contracted with them, correct. 6 Q. Did that include paying rent? 7 A. It includes paying rent, correct. 8 Q. Now let's go to the very next page, 002144. 9 And then on 10:27:14, you ask, Have we updated our rush 10 delivery for all products. 11 A. The second page number 2? 12 Q. Yes, Zaappaaz 0012144. 13 A. Okay. 14 Q. And there I'm looking at 10:27:14. 15 A. Okay. 16 Q. And you say, Have we updated our rush delivery 17 for all products. And I want to know what did you mean 18 by -- what are rush deliveries? 19 MR. BLANCHARD: Michelle, to be fair, can we 20 read the whole thing? 21 MS. SCHAEFER: You can read the whole thing. I 22 mean, I have a lot of questions. 23 MR. BLANCHARD: I mean, just that whole line. 24 It didn't end at "products." 25 MS. SCHAEFER: Okay. Yeah, go ahead and read</p>	<p style="text-align: right;">609</p> <p>1 the first indication that Chandler's wristband factory 2 was shut down and we had to start delivery dates. 3 BY MS. SCHAEFER: 4 Q. And then she says one-half plus one-half only 5 can coolers possible. What is one-half plus one-half? 6 MR. BLANCHARD: Which time stamp? 7 BY MS. SCHAEFER: 8 Q. It is 11:28:41. And I want to know what 9 one-half plus one-half means? 10 MR. BLANCHARD: Objection. Calls for 11 speculation. 12 THE WITNESS: I don't know. Maybe it's a type 13 of product that we were able to source locally, 14 domestically and ship it out. 15 BY MS. SCHAEFER: 16 Q. Okay. And why was Eroze saying March 6th is 17 the earliest? 18 MR. BLANCHARD: Objection. Calls for 19 speculation. 20 THE WITNESS: That's probably the earliest from 21 the vendor that they found out that they could ship. 22 BY MS. SCHAEFER: 23 Q. And then the next line, you say, "But that is 24 for rush+++" What does rush+++ mean? 25 A. So half day/half day means getting a shipment</p>
<p style="text-align: right;">608</p> <p>1 it. 2 MR. BLANCHARD: What is the question? 3 BY MS. SCHAEFER: 4 Q. Well, I'm wondering why were you asking if she 5 had updated the rush delivery for all products at this 6 point on March 3rd? 7 A. I believe there was a Chinese New Year that 8 just ended, so we were updating our delivery dates. 9 Q. And then at the very bottom, Fatima says, it's 10 the very last entry, "Removed rush options from bands 11 and lanyards." And you are testifying she removed -- 12 why was she removing the rush options? 13 A. I believe this is when China shut down our 14 wristband factories. 15 Q. Okay. How long were they shut down for? 16 A. I don't know. 17 Q. Do you have an approximate? 18 A. This is when we got our first indication. 19 Q. And then you can go to the next page, which is 20 0012145. Fatima says many orders are still being 21 delayed. Is she referring to what you just said, which 22 was that your factory was -- the factory was shut down? 23 MR. BLANCHARD: Objection. Calls for 24 speculation. 25 THE WITNESS: That is correct. I think this is</p>	<p style="text-align: right;">610</p> <p>1 out that same day for can coolers. 2 Q. So you do know what that means? 3 MR. BLANCHARD: Objection. Argumentative. 4 THE WITNESS: Yes. I'm going back to it after 5 I read the whole thing. 6 BY MS. SCHAEFER: 7 Q. So say that again. So one-half means? 8 A. If the order comes in, I believe, it has to 9 come in before 10:00 a.m., they produce it that day and 10 ship it out that day. 11 Q. Okay. So same day? 12 A. Sure. 13 Q. And then below she says, "1+1 also has issues." 14 What does that mean? 15 MR. BLANCHARD: Objection. Calls for 16 speculation. 17 THE WITNESS: Two business days. 18 BY MS. SCHAEFER: 19 Q. Let's go to the next page. So here I'm 20 wondering, I'm starting at 10:30:52 and Fatima says, 21 "If we give anything to Jimmy to get cleared from 22 customs will he always redirect it to our office?" 23 What is she talking about? 24 A. Jimmy is a FedEx guy. If we get cleared 25 from -- Jimmy is our FedEx rep for international</p>

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shipment. I think what she's asking is once it is in customs, can Jimmy reroute the package to our warehouse rather than giving it to the customer. Sometimes when a package gets shipped out and it's held in customs for improper paperwork or whatever it may be, the customer does not want it anymore. So she's asking if we could reroute it to our warehouse rather than sending it to the customer. I think that's what she's referring to.

Q. Let's go to the next page. So I'm on 0012147, and I'm on 7:02:58.

MR. BLANCHARD: What page of the exhibit -- I see it.

BY MS. SCHAEFER:

Q. And she says, "Shall I forward these e-mails to Alishah." Who is Alishah?

A. My brother-in-law.

Q. And why would she be forwarding e-mails to your brother-in-law?

A. My brother-in-law or my bank. Alishah is my banker as well.

Q. And why would you be forwarding e-mails to him?

A. I don't know what this is referencing to.

Q. And above that at 7:00:52, you said Yes, Ali is handling it.

A. I don't know what it's referring to, though.

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Q. What is Ali's role in Zaappaaz?

MR. BLANCHARD: Objection. Form.

THE WITNESS: He has no role in Zaappaaz.

BY MS. SCHAEFER:

Q. He doesn't and he has no relationship into Zaappaaz?

MR. BLANCHARD: Objection.

THE WITNESS: He has no relationship to Zaappaaz, no.

BY MS. SCHAEFER:

Q. Then 7:10:24 you say, "You and Fatima are owner now." What are you referring to?

A. Just basically telling them to own the operations, just a phrase that I just said. That's it. Nothing meant by it, I guess.

Q. So now I am on Zaappaaz 0012159.

MR. BLANCHARD: What page of the exhibit is it?

MS. SCHAEFER: What?

MR. BLANCHARD: What page of the exhibit is it?

MS. SCHAEFER: It is page 17.

BY MS. SCHAEFER:

Q. So I'm on 7:39:15 where Fatima is asking "Manual goes in box of thermometer right." Why would she be asking you where the manual would go?

MR. BLANCHARD: Objection. Calls for

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speculation.

THE WITNESS: She's in India. She is a CSR.

So again, this is a new part for her, so she's just asking what goes inside the box.

BY MS. SCHAEFER:

Q. Who is packing these boxes?

A. China at this time, I believe.

Q. What does it mean, I'm on 3:57:44, that trackings are updated every day during USA nighttime orders? I'm wondering, what updating orders, what does that mean?

MR. BLANCHARD: Objection. Calls for speculation.

THE WITNESS: Could mean a lot of things. I don't know what she's referring to. I mean, there's more to it. We keep things up to date from both orders being uploaded from Ship Easy and tracking. Okay. So we push -- when China ships out the goods for these products, my team in India manually went and they got a list of orders that China shipped and manually put it in on our back end, and then that would push out to customers. I think that's what she's referring to. So it would do that at night in the U.S., which is daytime in India.

BY MS. SCHAEFER:

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Q. Then 8:51, Fatima says, "There are back to back calls since yesterday and we have limited people even we are taking calls and using maximum resources available." Why were there back-to-back calls? What were the calls about?

MR. BLANCHARD: Objection. Calls for speculation.

THE WITNESS: People wanting to order.

BY MS. SCHAEFER:

Q. Were people -- were these calls also encompassing complaining consumers?

MR. BLANCHARD: Objection. Calls for speculation.

THE WITNESS: I didn't take calls, so I don't know.

BY MS. SCHAEFER:

Q. And do you know whether she was talking about receiving back-to-back calls related to complaining customers?

MR. BLANCHARD: Objection. Calls for speculation. Assumes facts not in evidence. Lack of foundation.

THE WITNESS: I'm sure there were complaint calls. I don't know what she means. I can't tell you what she means by back-to-back calls. It could just

<p style="text-align: right;">615</p> <p>1 mean customers calling back to back. I can't give you</p> <p>2 the details of it. I don't know.</p> <p>3 BY MS. SCHAEFER:</p> <p>4 Q. The next line, well, actually, the 9:02:49 --</p> <p>5 actually, 8:10:26, he talks about Total Balance,</p> <p>6 anything to pay, and then said "paid 100k to avoid any</p> <p>7 issue in ads." What does that mean?</p> <p>8 MR. BLANCHARD: Objection. Calls for</p> <p>9 speculation. Lack of foundation.</p> <p>10 THE WITNESS: They paid from my credit card.</p> <p>11 They are responsible for paying off the credit card.</p> <p>12 BY MS. SCHAEFER:</p> <p>13 Q. What would be the issues they are trying to</p> <p>14 avoid, though?</p> <p>15 MR. BLANCHARD: Objection. Calls for</p> <p>16 speculation.</p> <p>17 THE WITNESS: My credit limit.</p> <p>18 BY MS. SCHAEFER:</p> <p>19 Q. I don't understand. What does that mean? What</p> <p>20 would be the issue with credit limit if they didn't</p> <p>21 pay?</p> <p>22 A. They would stop taking more charges.</p> <p>23 Q. And then 11:58:19, you say, "A lot of calls</p> <p>24 missed and ad spend us over 200k yesterday." So what</p> <p>25 is your point? Why are you telling them that?</p>	<p style="text-align: right;">617</p> <p>1 Q. Let's go to page 20. So time stamp 7:52:22,</p> <p>2 and you say "Change delivery date for UK further out."</p> <p>3 What's UK refer to?</p> <p>4 A. International shipping, UK.</p> <p>5 Q. So Zaappaaz fulfilled orders in the UK?</p> <p>6 A. Very minimal, yes.</p> <p>7 Q. And then 11:18, e-mail from Braintree for Mak</p> <p>8 Brands. What is Mak Brands?</p> <p>9 A. A corporation of mine.</p> <p>10 Q. And why would Eroze be getting an e-mail from</p> <p>11 Braintree related to Mak Brands? Did they do work for</p> <p>12 Mak Brands?</p> <p>13 A. Eroze handled some of my e-mails related to Mak</p> <p>14 brands. We had six different companies running out of</p> <p>15 the office in China -- I mean, in India.</p> <p>16 Q. And how many of those sell covered products?</p> <p>17 A. Mak Brands sold, Ionized sold and Zaappaaz</p> <p>18 sold.</p> <p>19 Q. What about, is there a company SGS?</p> <p>20 A. I don't know if SGS sold, but it was not out of</p> <p>21 India.</p> <p>22 Q. Or Stealth Mask?</p> <p>23 A. Stealth Mask sold fabric masks.</p> <p>24 Q. Okay. So back to page 20 at 1:53 time stamp,</p> <p>25 Fatima says, "Just out of concern wanted to ask is it a</p>
<p style="text-align: right;">616</p> <p>1 A. There were a lot of calls that were missed. I</p> <p>2 guess this is probably at the peak of the pandemic</p> <p>3 where we are starting to hear things on an hourly</p> <p>4 basis, people getting sick, country is shutting down,</p> <p>5 calls, data centers going down and various things are</p> <p>6 happening around this point. So just trying to say</p> <p>7 let's put all resources together and make sure we</p> <p>8 optimize.</p> <p>9 Q. By optimization, you mean get the most possible</p> <p>10 orders from your ads; is that right?</p> <p>11 MR. BLANCHARD: Objection. Argumentative.</p> <p>12 THE WITNESS: Optimization I mean is getting</p> <p>13 our crew to be able to answer all the calls as</p> <p>14 possible. That's what I meant.</p> <p>15 BY MS. SCHAEFER:</p> <p>16 Q. Why were you concerned the ad spend was over</p> <p>17 \$200,000?</p> <p>18 MR. BLANCHARD: Objection. Form. Misstates</p> <p>19 prior testimony. Assumes facts not in evidence.</p> <p>20 THE WITNESS: Why was I concerned over it?</p> <p>21 BY MS. SCHAEFER:</p> <p>22 Q. Yeah.</p> <p>23 A. I mean, if you want to spend money on ads, you</p> <p>24 want to make sure your output is there also. That was</p> <p>25 the concern.</p>	<p style="text-align: right;">618</p> <p>1 worrisome situation?" What was she referring to in</p> <p>2 terms of was it a worrisome situation?</p> <p>3 MR. BLANCHARD: Objection. Calls for</p> <p>4 speculation. Lack of foundation.</p> <p>5 THE WITNESS: I believe COVID.</p> <p>6 BY MS. SCHAEFER:</p> <p>7 Q. And then she says, "Are we going to get our</p> <p>8 stocks by Tuesday?" What is she referring to?</p> <p>9 MR. BLANCHARD: Objection. Calls for</p> <p>10 speculation. Lack of foundation.</p> <p>11 THE WITNESS: Where did she say that?</p> <p>12 BY MS. SCHAEFER:</p> <p>13 Q. Right below.</p> <p>14 A. Are we going to get our stocks by Tuesday,</p> <p>15 referencing, I don't know, referring to probably goods.</p> <p>16 Q. Referring to what?</p> <p>17 A. Products. I don't know which products she is</p> <p>18 referring to.</p> <p>19 Q. Were products out of stock at this point?</p> <p>20 MR. BLANCHARD: Objection to form.</p> <p>21 THE WITNESS: Products are not out of stock. I</p> <p>22 think this was all the customs issues and Fed Ex delays</p> <p>23 and everything was ongoing at this point. So I think</p> <p>24 that's what she's referring to. And this is when we</p> <p>25 were probably transitioning over to a U.S. warehouse.</p>

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BY MS. SCHAEFER:

Q. I want to go back to 12159. So let's go to 12:18:00.

A. What page?

Q. It is page 17.

A. Okay.

Q. And Eroze says, "Can we say Ionized is under WB umbrella and the CEO is same for both companies." And you said, "Yes, if needed but don't mention if not asked. Just say it's a sister company. That's all." Why was he asking if he could say Ionized is under the WB umbrella?

MR. BLANCHARD: Objection. Calls for speculation lack of foundation.

THE WITNESS: Credit references. I don't know.

BY MS. SCHAEFER:

Q. Is Ionized under WB's umbrella?

A. No.

Q. What would the credit issue be that he would be saying this?

A. He's probably trying --

MR. BLANCHARD: Objection. Calls for speculation. I need to consult with my client if you are going to go down this route.

MS. SCHAEFER: Why? He's having a

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conversation. It doesn't call for speculation. He was involved. He has personal knowledge.

MR. BLANCHARD: Well, that's my short objection.

MS. SCHAEFER: You can object. That's fine. I'm not sure why you want to consult.

MR. BLANCHARD: Because I need to consult with him for five minutes.

MS. SCHAEFER: Sure. I didn't know -- if you are asking, that's fine. Sure. I'm sorry, I didn't understand.

(A recess was taken.)

BY MS. SCHAEFER:

Q. So we are on 17, page 17 of the PDF and we are talking about Ionized. And you said Ionized is not under the WB umbrella. Why didn't you want him to mention this if not asked?

A. I didn't want to mention what?

Q. Strike that question. Why did you say he could say Ionized was under the WB umbrella if needed?

MR. BLANCHARD: Objection. Misstates the evidence.

THE WITNESS: I'm the owner of both companies. So I mean, for credit references, for our vendors, they use Ionized. If we have a credit reference under

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Zaappaaz already for a sanitizer vendor and they need a credit reference for Ionized, they would say Zaappaaz is the same owner. So similarities, maybe that's what he's referring to, if he could mention that Ionized and Zaappaaz are the same owners.

BY MS. SCHAEFER:

Q. Does Zaappaaz provide services to Ionized?

A. Yes, it did.

Q. What type of services?

A. They purchase goods from us.

MR. BLANCHARD: She's asking you the common status. Wasn't that the question?

BY MS. SCHAEFER:

Q. Did Eroze and Fatima provide services to Ionized like they did for WB?

A. No, they do not.

Q. Let's go to page 21, 12163, at 1:57:59 and she says, We really, really hope --

MR. BLANCHARD: Can't hear you, Michelle.

BY MS. SCHAEFER:

Q. It's the first text where she says, "We really really hope and pray as we are really worried with all complaints and disputes so thought to ask." What was she referring to?

MR. BLANCHARD: Objection. Calls for

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speculation. Lack of foundation.

BY MS. SCHAEFER:

Q. What was worrisome?

MR. BLANCHARD: Objection. Calls for speculation. Lack of foundation.

THE WITNESS: 4/17, 1:53:04 p.m., Fatima just had a concern and wanted to ask if it's a worrisome situation. Are we going of to get our stocks on Tuesday? I think so. We resolved all the issues. I said that. I also said so now we should see more smoother situation. We are one of the few companies that can do this. Many customers just need to understand the situation and the rest will be fine. We are really, really hoping and praying as we are really worried with all the complaints and disputes so thought to ask. We are really trying the best we can. We will be okay, just need to face tough times but we will be good. Yes, we are together in it. I think she is referring -- and you also take care of your health and family between all of this. I think she's referring to complaints of people getting COVID, people are dying, things like that. I think that's what she's referring to.

BY MS. SCHAEFER:

Q. And by this point, were you delivering orders

<p style="text-align: right;">623</p> <p>1 late? I mean, by this time, weren't you having major</p> <p>2 shipping problems?</p> <p>3 A. Up and down.</p> <p>4 Q. And were a flood of consumers complaining?</p> <p>5 A. Flood, no. But, yes, we had consumers</p> <p>6 complaining.</p> <p>7 Q. Let's go to 2:15:36, and Eroze says, "Can we be</p> <p>8 honest to customers that we will ship from Tuesday or</p> <p>9 Wednesday." Why is he asking this?</p> <p>10 MR. BLANCHARD: Objection. Calls for</p> <p>11 speculation. Lack of foundation.</p> <p>12 THE WITNESS: We are probably 17 days into</p> <p>13 this. Our CSRs are new. We have hired new CSRs. The</p> <p>14 communication is probably not being relayed down, but,</p> <p>15 yes, he's asking what should be the proper protocol.</p> <p>16 And that's what he's asking.</p> <p>17 BY MS. SCHAEFER:</p> <p>18 Q. So then down at 9:08:58 you say, "Connect me</p> <p>19 with who has thermometer." Why did you want to be</p> <p>20 connected with -- what were you asking?</p> <p>21 A. I was asking him to connect me with who has</p> <p>22 thermometers.</p> <p>23 Q. Were you looking for suppliers?</p> <p>24 A. We were always looking for suppliers.</p> <p>25 Q. Why were you always looking for suppliers?</p>	<p style="text-align: right;">625</p> <p>1 MR. BLANCHARD: Objection. Calls for</p> <p>2 speculation.</p> <p>3 THE WITNESS: I think she's referring to a PO</p> <p>4 that Sherez was helping to clear the goods or</p> <p>5 something. I think it's the next line she was</p> <p>6 referring to the purchase order for Konik.</p> <p>7 Q. And then she asks, "U mean we take payment in</p> <p>8 WB bank transfer and let Ionized ship order?"</p> <p>9 A. Correct.</p> <p>10 Q. So would Ionized -- well, would Ionized fulfill</p> <p>11 orders for WB?</p> <p>12 A. No. Ionized had the goods. So we took the</p> <p>13 payment, because this was our customer, and we gave the</p> <p>14 funds to Ionized.</p> <p>15 Q. So the time stamp 6:05:49 Fatima is talking</p> <p>16 about an order, "This one we already processed in</p> <p>17 wristband and cust paid. Can we add in ship easy."</p> <p>18 Why would she be asking if she could add this to Ship</p> <p>19 Easy?</p> <p>20 A. So that we could ship the order.</p> <p>21 Q. Why was she asking you? Wouldn't she just</p> <p>22 automatically add it in Ship Easy?</p> <p>23 MR. BLANCHARD: Objection. Calls for</p> <p>24 speculation.</p> <p>25 THE WITNESS: No, she wouldn't automatically</p>
<p style="text-align: right;">624</p> <p>1 A. It's what a businessman does, always prepares</p> <p>2 for the future.</p> <p>3 Q. But was one of the reasons you were always</p> <p>4 looking for suppliers because you always needed</p> <p>5 inventory?</p> <p>6 A. We, to date, we still look for wristband</p> <p>7 suppliers. So we are always wanting to have multiple</p> <p>8 suppliers on hand.</p> <p>9 Q. But starting in March, during the pandemic and</p> <p>10 thereafter, at least through August, were you always</p> <p>11 searching -- were you searching for suppliers at times</p> <p>12 because you didn't have enough inventory to fulfill the</p> <p>13 orders that were coming in?</p> <p>14 A. Not inventory to fulfill. We were always</p> <p>15 looking for additional suppliers.</p> <p>16 Q. So then at stamp 11:13:10 Fatima says, "Paypal</p> <p>17 balance is \$323,221. It has not allowed me to transfer</p> <p>18 and always shows error." I want to know why Paypal</p> <p>19 wasn't allowing her to transfer. Was there an issue</p> <p>20 with Paypal?</p> <p>21 A. I don't think we had issues with Paypal, no.</p> <p>22 Q. And then 7:42:06, she says, "Those e-mails are</p> <p>23 cc Sherez too" so I think they are for Ionized. Yeah,</p> <p>24 don't worry about that. What was she referring to in</p> <p>25 the context of Yaoli?</p>	<p style="text-align: right;">626</p> <p>1 add such a big order to Ship Easy. This requires</p> <p>2 logistics.</p> <p>3 BY MS. SCHAEFER:</p> <p>4 Q. So tell me about those logistics that it would</p> <p>5 require.</p> <p>6 A. This probably required a truckload.</p> <p>7 Q. Okay. And so why would that affect her ability</p> <p>8 to just enter it without asking you?</p> <p>9 A. Because this is not a package you can put in a</p> <p>10 box and print a label and put it on. You have to call</p> <p>11 the logistics to come in and arrange to pick it up. So</p> <p>12 a separate person would handle that.</p> <p>13 Q. So would those orders not go through in Ship</p> <p>14 Easy?</p> <p>15 A. They do. That's what she saw under the</p> <p>16 category of FedEx Freight, I believe.</p> <p>17 Q. Okay. So are you saying that orders that fall</p> <p>18 under FedEx Freight don't go in Ship Easy?</p> <p>19 A. They do go in Ship Easy. They just get</p> <p>20 processed a little differently.</p> <p>21 Q. I see. How do they get processed differently?</p> <p>22 A. We have to call a carrier to come pick up the</p> <p>23 goods. It's not something that we can put into a</p> <p>24 regular FedEx trailer.</p> <p>25 Q. And would she also ask whether they could add</p>

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1 orders to Ship Easy when she wasn't sure if the orders
2 were going to ship from, you know, Asia or the U.S.?

3 A. If it was -- yeah, she would.

4 **Q. She would ask you?**

5 A. Sure, yeah.

6 **Q. Because why was that? What would determine
7 whether an order would be put into Ship Easy or would
8 go into one of your Asian suppliers?**

9 A. I don't know. The laws, maybe. I mean, if we
10 were prevented from shipping directly from China to the
11 U.S., shipping a truckload from China to the U.S. would
12 not be optimal. So maybe that would be another reason.
13 A lot of variations.

14 **Q. Was it all COVID related, though?**

15 A. What was COVID related?

16 **Q. Whether or not an order would go in Ship Easy
17 or the Chinese system?**

18 A. I don't understand your question.

19 **Q. My question is, I mean, it seems -- would the
20 fact that there were delays in China related to COVID
21 at any given point inform whether or not an order is
22 going to go through Shipping Easy or through China?**

23 A. There were certain products you could not ship
24 from China to the customer. Around this point we were
25 shipping a lot of it from our warehouse. I don't know

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1 the reference points that she would ask me at this
2 point if it needs to go to China or the U.S. Most PPE
3 products were banned to ship directly to customers
4 around this point. Most products. Not all of them,
5 but most of them. So, yes, she did not know which
6 products those were. Maybe she did ask me. In this
7 case, this was a specific order that was a special
8 delivery. I think that's why she asked me.

9 **Q. Page 25 at the top, 12:21:19, "Where will we
10 assign custom bandanna and custom mask." What is he
11 asking you?**

12 A. Custom products.

13 **Q. Does that mean where they are going to ship
14 from?**

15 A. Correct. This is the same situation. These
16 products were not banned from China.

17 **Q. And then 2:12 he says, "Need to upload this PO
18 in system with all address?" And you say, "Can you
19 manually upload each on Ship Easy." How were orders
20 being uploaded into Ship Easy by this point? Was it
21 manual? All manual?**

22 A. Yes, because this was in process for us. We
23 never had a warehouse at Zaappaaz, ever. So we are
24 shifting our strategy. So we are working a lot
25 manually while the developers on the back end are

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1 working to make it automated. So there was a point
2 where it was mostly manual, but yeah.

3 **Q. When did it become automated?**

4 A. I don't know. Maybe two months, a month and a
5 half, two months.

6 **Q. So then 2:15:00, you say, "Upload the order as
7 PO on ASI." And I want to know what that means, upload
8 the order as PO, which I assume is purchase order, but
9 on ASI?**

10 A. It's just a process how we do it in our back
11 end. It's an ASI customer, so we have a process of
12 uploading the order under an ASI category on our back
13 end.

14 **Q. ASI, is that the -- what is ASI?**

15 A. It's an organization of distributors and
16 suppliers.

17 **Q. We talked -- that's the organization we talked
18 about. Then for a little bit further down at 2:15:24
19 you say, "Then use that order number to do -1 -2 and
20 etc." What does that mean, negative 1, negative 2?**

21 A. It's not negative. It's order number dash 1,
22 dash 2. It might just be referencing multiple
23 shipments. Maybe a customer needed to ship to 10
24 different addresses. I think that's why we did that.
25 But it's just referencing dash 1, dash 2.

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1 **Q. Okay. Now let's go down to 5:22:33 and
2 Fatima -- well, why don't you go ahead and read until
3 the bottom of the page.**

4 A. Okay.

5 **Q. And so you had several chargebacks at this
6 point; is that right?**

7 A. Correct.

8 **Q. Related to late or nondeliveries? Did you?**

9 A. Correct.

10 **Q. I'm sorry, I didn't hear you. Did she want
11 to -- to the extent consumers had complained and had
12 instituted chargeback disputes, did she want to
13 prioritize inventory and ship the products out so that
14 the dispute would go away?**

15 A. Those would not go away. That's not how it
16 works. We were prioritizing the orders based on when
17 they came.

18 **Q. Why would you be prioritizing inventory for
19 chargebacks? I mean, a chargeback a consumer is
20 complaining they don't want the order anymore?**

21 A. That's not the case.

22 **Q. What is the case?**

23 A. They probably think that either it's a fraud,
24 number one, or they think that we are not a real
25 company, number two, just because at this time phones

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1 weren't being answered properly, chats were being
2 clogged. So I can understand the customer's assessment
3 of this, but that's what it is. A lot of chargebacks
4 were reversed when the goods were delivered.

5 **Q. Below she says, "We have many orders due and I
6 have no tracking or chargebacks to give." Why wouldn't
7 she have tracking for orders that were due?**

8 MR. BLANCHARD: Objection. Misstates the
9 evidence.

10 THE WITNESS: She's saying she does not have
11 tracking to reply.

12 BY MS. SCHAEFER:

13 **Q. Why didn't she have tracking for orders that
14 had been placed?**

15 A. Where does she say that?

16 **Q. She says, "We have many orders do and I have no
17 tracking."**

18 A. She does not have tracking?

19 MR. BLANCHARD: Hold on. That's not the whole
20 sentence.

21 BY MS. SCHAEFER:

22 **Q. "I have no tracking on chargebacks to give." I
23 think that's an "or".**

24 A. She does not have tracking on chargebacks to
25 give.

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1 **Q. But is tracking a shipment tracking?**

2 A. Correct.

3 **Q. And did she not have tracking because you
4 didn't have inventory to fulfill those orders at the
5 point and so --**

6 MR. BLANCHARD: Objection.

7 BY MS. SCHAEFER:

8 **Q. -- shipments hasn't been created?**

9 A. No. So --

10 MR. BLANCHARD: Objection, form; objection,
11 argumentative; objection, asked and answered. Calls for
12 speculation.

13 Go ahead.

14 THE WITNESS: Let's bring up a scenario here.
15 This is when China had stopped from shipping PPE
16 directly to consumers. So we shifted everything and
17 started shipping everything to our warehouse. That is
18 where the clog happened, and this is where the
19 chargebacks log is starting to pile up. So just want
20 to kind of give you that reference. So now everything
21 is coming to our warehouse causing further delay and
22 now being shipped from our warehouse to the customers.
23 So we are waiting for the goods to arrive at our
24 warehouse as we adjusted to the new Chinese laws that
25 were just updated around this period. Before this,

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1 everything was shipped to the customers directly.

2 BY MS. SCHAEFER:

3 **Q. Okay. Eroze says, "Today Shairoz also called
4 to discuss on chargebacks and was asking me why we
5 getting so many." Who is Shairoz?**

6 A. Empire tech.

7 **Q. Let's go to the next page, and there you say at
8 5:26:21, "No gowns and no thermometers." What does
9 that mean, that you had no gowns and thermometers in
10 stock?**

11 MR. BLANCHARD: We can't hear you.

12 BY MS. SCHAEFER:

13 **Q. You say no gowns and no thermometers. What
14 does that mean? Does that mean you don't have those in
15 stock and you couldn't fulfill those orders?**

16 MR. BLANCHARD: Objection. Form.

17 THE WITNESS: We had no gowns and no
18 thermometers in the warehouse.

19 BY MS. SCHAEFER:

20 **Q. Okay. And then on 5:26, anything besides that,
21 do you have any urgent orders? What constitutes an
22 urgent order?**

23 A. I don't know what I was referring to on that
24 point.

25 **Q. And then she says "Many in sheet." Do you know**

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1 **what sheet she's referring to?**

2 A. I think we prioritized hospitals and based on
3 local laws to push medical and essential workers ahead
4 on orders, so that's what we did.

5 **Q. Then she says, "As simple as masks, face
6 shields, KN95 at least we can move those out to reduce
7 losing on those simple disputes." So doesn't that mean
8 that you were shipping products out to people to win
9 the chargeback disputes even though they wanted to
10 cancel their orders?**

11 A. I just want to clarify that. We just responded
12 to disputes.

13 **Q. Why would you ship an order to someone that's
14 created a dispute?**

15 A. Because the customer has not received the
16 tracking number. That's why.

17 **Q. I don't understand. I'm saying, why would you
18 ship an order to someone that is asking for a
19 chargeback? Obviously they don't want the product
20 anymore.**

21 A. It's not obvious. A chargeback can be for a
22 simple reason that they didn't receive their tracking
23 number on time or they saw a review online that they
24 didn't feel comfortable with. We didn't answer our
25 phones and they thought we were a phony company. So it

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1 could be various reasons. But a lot of chargebacks
2 were reversed because they received their goods. So I
3 just want to put that on the record too.

4 **Q. Now let's go to 5:31:38 where you say, "I will**
5 **tell you how to push order so it goes out same day."**
6 **What does push order mean, if I see that --**

7 A. At this time we probably automated sending out
8 orders directly to Shipping Easy without manually doing
9 it. I think that's what it means.

10 **Q. Okay. So were you teaching them how to do**
11 **that?**

12 A. There was probably an update on the website
13 that I was teaching them, correct.

14 MR. BLANCHARD: Can we take five minutes?

15 MS. SCHAEFER: Sure.

16 (A recess was taken.)

17 BY MS. SCHAEFER:

18 **Q. So we are on page 27, 0012169, and I'm looking**
19 **at -- first of all, let's look at 11 from Fatima, "Are**
20 **we expecting thermometers, gowns, cloth mask any time**
21 **by tomorrow or we refund those disputes?" Was she**
22 **asking whether you were expecting them at the**
23 **warehouse?**

24 MR. BLANCHARD: Objection. Calls for
25 speculation.

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1 THE WITNESS: I'm sorry, where was that?

2 BY MS. SCHAEFER:

3 **Q. So page 27, the 11:00 time stamp.**

4 A. Okay.

5 **Q. And so she's asking are we expecting**
6 **thermometers, gowns, cloth masks any time by tomorrow**
7 **or we refund those disputes, was she asking if the**
8 **warehouse was receiving them?**

9 MR. BLANCHARD: Calls for speculation.

10 THE WITNESS: Yes, in the warehouse.

11 BY MS. SCHAEFER:

12 **Q. Was she asking, was she saying that if she**
13 **didn't receive them, that she would refund the**
14 **consumers for their orders?**

15 MR. BLANCHARD: Objection. Calls for
16 speculation.

17 THE WITNESS: Yes, correct.

18 BY MS. SCHAEFER:

19 **Q. So then let's go to 1:23:24 where you say, "I**
20 **want to create a listing urgently." What does that**
21 **mean, to create a listing?**

22 A. Just to create a product. I think this is the
23 first time we are probably starting to sell gowns and
24 hand sanitizers.

25 **Q. Does create a listing mean create a listing for**

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1 **this product on the website?**

2 A. Correct.

3 **Q. And then you probably want to read a little**
4 **bit, but my question is going to be were you switching**
5 **liquid sanitizers out for gel sanitizers?**

6 A. If we were switching them out? We were selling
7 both.

8 **Q. Okay. So you were adding it?**

9 A. Correct. We were selling both liquid and gel.

10 **Q. And then you say at 1:26 "For now put a random**
11 **image." What does that mean?**

12 A. We didn't have a product image. I mean, there
13 was just a random sanitizer bottle.

14 **Q. So it wasn't necessarily the bottle that you**
15 **were going to be getting, but you wanted to start**
16 **selling it?**

17 A. Correct.

18 **Q. Why is she asking at 2:05 "But for the old one**
19 **u had the description changed to gel based?"**

20 A. We probably changed that product to gel.

21 **Q. Does that mean you stopped selling liquid?**

22 A. No, we probably just put gel on there and added
23 a liquid listing. That's what it means.

24 **Q. So there's instances where you say you want**
25 **something directly pushed in the ship station. And I'm**

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1 **wondering what that means, what's ship station?**

2 A. Where is that?

3 **Q. Let me find it. So lets go to 12171, and it is**
4 **10:03:51 in the middle, top middle-ish of the page.**

5 A. What page?

6 **Q. This is page 29.**

7 A. Okay.

8 **Q. So 10:03:51, Eroze says, I'm maintaining record**
9 **and pushing them as well. Tell me again, what does**
10 **pushing them again mean?**

11 A. Where are you looking at?

12 **Q. 10:03:51.**

13 A. He's still updating it on Shipping Easy
14 manually.

15 **Q. Is that pushing? Is that what pushing means?**

16 MR. BLANCHARD: Objection. Misstates prior
17 testimony. Calls for speculation.

18 BY MS. SCHAEFER:

19 **Q. My first question is what does pushing mean?**

20 A. Yeah, taking it from a back end and sending it
21 to Shipping Easy.

22 **Q. Okay. And then the next sentence he says,**
23 **"Just directly push in ship station since you know what**
24 **we have in stock."**

25 A. Yeah.

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1 **Q. So is ship station Shipping Easy?**

2 A. Yeah, I think I just used two different words.
3 I think ship station is another software, but we don't
4 use that.

5 **Q. Okay. But you are referring to Shipping Easy?**

6 A. Yeah.

7 **Q. Directly push, is that to manually enter it?**

8 A. I don't think so. I think at this time we had
9 a button where they just pressed it and the data got
10 pushed. Except if it was a new product, then they
11 might have had to do it manually. I'm not sure.

12 **Q. So it seems like, did you not have products in
13 stock at this point?**

14 MR. BLANCHARD: Objection. Asked and answered.

15 THE WITNESS: Which products are you referring
16 to?

17 BY MS. SCHAEFER:

18 **Q. I don't know. It sounds like you had certain
19 products weren't in stock. I don't know which ones.
20 You said you know what we have in stock. So I'm
21 asking, does that mean you didn't have certain items in
22 stock?**

23 A. I don't know what you are referencing, if you
24 could point to that.

25 **Q. 10:03:52.**

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1 A. I'm referencing we don't have products in
2 stock?

3 **Q. So you say, "Just directly push in ship station
4 since you know what we have in stock." So I'm asking,
5 does that mean there were certain covered products that
6 were not in stock?**

7 A. No. We were pushing everything to Shipping
8 Easy or China. They were probably getting
9 clarification on what can ship from China, what can
10 ship from Shipping Easy, et cetera.

11 **Q. So 12:17:46 Eroze says, "Delivery 5, 7, 10."
12 And I'm just wondering what that refers to?**

13 A. We just adjusted the delivery dates. I think
14 we probably pushed it back.

15 **Q. Why would you have pushed it back?**

16 A. Delivery feedbacks that we've been getting from
17 FedEx and the amount of orders we were getting was not
18 sufficient for what we were trying to foresee in the
19 future inventory that was coming. So we adjusted our
20 delivery dates.

21 **Q. And so are the references to these numbers, is
22 that equal to what we were talking about earlier, which
23 was production plus shipping?**

24 A. Shipping.

25 **Q. So are these -- this is referring to shipping?**

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1 A. I believe so. I don't know what Eroze was
2 referring to, but 5, 7, 10, I don't know. I can't
3 answer on that.

4 **Q. So now page 30, 1:29:53, it says 20 GSM. I'm
5 just wondering what GSM is?**

6 A. It's a weight of a cloth.

7 **Q. Okay. So then down 2:38:24, you say "Don't
8 push anymore thermometer unless fully urgent." What is
9 something -- what makes something fully urgent?**

10 A. The delivery date is approaching.

11 **Q. So these were orders -- you were talking about
12 orders that had already been processed but saying just
13 then the ones whose delivery date is very close?**

14 MR. BLANCHARD: Objection. Form.

15 THE WITNESS: Correct.

16 BY MS. SCHAEFER:

17 **Q. And then at 2:40:26 Fatima says, "Yes older
18 ones we did before this sky task." What does that
19 mean?**

20 MR. BLANCHARD: Objection. Calls for
21 speculation.

22 THE WITNESS: 2:46?

23 MR. BLANCHARD: 2:40:26.

24 THE WITNESS: Yeah, I think we were seeing a
25 rise in orders. We adjusted the delivery date, and we

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1 just wanted to push out all the orders that were
2 approaching delivery date and get those out as quick as
3 possible as the new orders that were coming in were a
4 longer delivery date. So that's what I'm referencing
5 here.

6 BY MS. SCHAEFER:

7 **Q. Let's go to the last line, 7:45:52, "Let CSR
8 know that for any big order request to give my cell
9 number and inform me ASAP." We can turn the page, and
10 then at the top you say, "Only give when it's
11 government or legitimate company e-mail. No gmail
12 e-mails please." Why were you prioritizing these
13 companies --**

14 MR. BLANCHARD: Objection. Hold on.

15 BY MS. SCHAEFER:

16 **Q. -- government or legitimate companies?**

17 MR. BLANCHARD: Objection. Argumentative.
18 Misstates the testimony. Misstates the evidence.

19 Go ahead.

20 THE WITNESS: I wasn't prioritizing anything,
21 actually, at this point. I was just making sure if
22 there was a government entity, hospitals, first
23 responders, any of that stuff, government institutions,
24 I was taking care of those customers as a priority. It
25 was a national mandate, I believe, to do that, so

<p style="text-align: right;">643</p> <p>1 that's what I did. And I was taking responsibility of</p> <p>2 those orders specifically.</p> <p>3 BY MS. SCHAEFER:</p> <p>4 Q. And then at 10:28:07 Eroze says, "We need to</p> <p>5 purchase from India only as nothing is coming from</p> <p>6 China, no aircraft." What does that mean?</p> <p>7 A. I think Eroze is out of his league here in</p> <p>8 terms of understanding what's happening. He never</p> <p>9 understood the logistics. He was only responsible as a</p> <p>10 CSR, but it's just a characteristic to be.</p> <p>11 Q. Then 10:31:56 you say, "I will do analysis on</p> <p>12 Adwords and see what it looks like." What's an</p> <p>13 analysis on Adwords?</p> <p>14 A. 10 what?</p> <p>15 Q. 10:31:56.</p> <p>16 A. I don't know what he's referring to here.</p> <p>17 Q. This is you saying it.</p> <p>18 A. I don't know what he's referring to in the</p> <p>19 previous context when I responded to him. That's what</p> <p>20 I'm saying.</p> <p>21 Q. What is an analysis on Adwords generally?</p> <p>22 A. A standard analysis on Adwords would be like if</p> <p>23 we want to sell a water bottle, I check what the cost</p> <p>24 of keywords are. The cost of keywords is \$0.10, a</p> <p>25 bottle is a dollar, and it's going to take me five</p>	<p style="text-align: right;">645</p> <p>1 A. That means we weren't getting good clarity from</p> <p>2 FedEx nor Chinese customs as to what was happening</p> <p>3 because I guess everybody was adjusting on the fly. So</p> <p>4 we said just ship out 10 orders and let's see what</p> <p>5 happens before we shift our strategy.</p> <p>6 Q. Let's go to 12:11:08. And you might have to</p> <p>7 read above, but you say, "yes but only push that have</p> <p>8 with other products."</p> <p>9 A. What page?</p> <p>10 Q. On the same page, 33.</p> <p>11 A. Okay.</p> <p>12 Q. But you probably have to read above for</p> <p>13 context. So starting at 12:00.</p> <p>14 A. This was probably strategic reasoning as to</p> <p>15 pushing products. We had all the goods in stock, so we</p> <p>16 were trying to get all the complicated orders out</p> <p>17 before going with the easy orders. Just a strategy.</p> <p>18 Q. Page 36. Now let's go to 4:09:51, "ESP was</p> <p>19 done but changes should reflect by morning hopefully."</p> <p>20 And I'm just wondering what ESP is?</p> <p>21 A. ESP is a platform on ASI. It's like their</p> <p>22 Google.</p> <p>23 Q. It's a platform on ASI like their Google?</p> <p>24 A. Yeah.</p> <p>25 Q. So can you explain that further?</p>
<p style="text-align: right;">644</p> <p>1 clicks to sell a product, then it's going to cost me</p> <p>2 \$0.50 and this bottle cost me \$0.30, so that's almost</p> <p>3 80 -- I'm sorry, \$0.70, and I have \$0.30 to use as</p> <p>4 profit and management and overhead. It's just an</p> <p>5 analysis to see if it's profitable.</p> <p>6 Q. An analysis to see if the ad -- analysis to see</p> <p>7 if the ad is profitable or results in profitability?</p> <p>8 A. Yes, an ad results in profitability.</p> <p>9 Q. Okay. Page 32, 9:34:32, can we start shipping</p> <p>10 face shields -- I'm sorry, Fatima says, "Can we start</p> <p>11 shipping face shields and cloth masks from vendors</p> <p>12 directly from China to customer address as per orders?"</p> <p>13 What does that mean, "as per orders" within the context</p> <p>14 of what she's saying?</p> <p>15 MR. BLANCHARD: Objection. Calls for</p> <p>16 speculation.</p> <p>17 THE WITNESS: Maybe there was a rule change in</p> <p>18 China where you could ship directly face shields and</p> <p>19 masks of -- cloth masks. Face masks were not allowed</p> <p>20 at this time still, but there was a lot of flip-flop in</p> <p>21 rules to start shipping those products from China.</p> <p>22 BY MS. SCHAEFER:</p> <p>23 Q. Page 33, you say at the very top, "Try 10</p> <p>24 orders and see if clears customs." What does that</p> <p>25 mean?</p>	<p style="text-align: right;">646</p> <p>1 A. Yeah, it's a platform where you post products</p> <p>2 and suppliers, and distributors can purchase from you.</p> <p>3 Q. So did you have -- you posted advertisements on</p> <p>4 ESP?</p> <p>5 MR. BLANCHARD: Objection. Misstates prior</p> <p>6 testimony.</p> <p>7 THE WITNESS: We did.</p> <p>8 BY MS. SCHAEFER:</p> <p>9 Q. You did?</p> <p>10 A. We have been with ESP for ten-plus years.</p> <p>11 Q. So you use that platform to advertise to ASI</p> <p>12 members?</p> <p>13 A. That's correct.</p> <p>14 Q. Do ASI members get your advertisement other</p> <p>15 ways?</p> <p>16 A. Other ways, what do you mean?</p> <p>17 Q. I guess, are there other channels in which you</p> <p>18 target ASI members?</p> <p>19 A. We don't target any other way except for</p> <p>20 through ASI platform.</p> <p>21 Q. Page 37, why would there be no same-day</p> <p>22 shipping for these goggles, gowns, gloves, cloth masks,</p> <p>23 bandana, social distancing footprints?</p> <p>24 A. Because we had orders we were still fulfilling,</p> <p>25 and we didn't anticipate for the rush of orders that we</p>

<p style="text-align: right;">647</p> <p>1 could fulfill, so we didn't offer same-day shipping for 2 those products. 3 Q. Down at 10:45:27, Fatima says, "That number for 4 ASI to give is only for PPE products, right?" What is 5 a number for ASI? 6 A. I don't know what she's referring to. 7 Q. Then below, it says 11:18:22, What if customer 8 calls us now? How do we know status or do we just give 9 the number you gave? 10 A. She's referring to a separate number I created 11 for ASI customers because our back end does not -- when 12 we upload ASI, ASI is -- 99 percent of the time will 13 send you a purchase order. So uploading a purchase 14 order is a different process on our back end. So just 15 to separate those customers, we had a different number 16 where ASI calls, we know they are ASI customers and how 17 we reference them. 18 Q. And 11:18:56 you say, "All ASI call also going 19 to Ionized for now." What does that mean? 20 A. I think we had Ionized team handle our calls as 21 we were trying to find more manpower. So we took some 22 of Ionized's team to handle our operations for ASI 23 customers only. 24 Q. And would they be compensated for this? 25 A. They were compensated for it, yes.</p>	<p style="text-align: right;">649</p> <p>1 wristbands it's showing total 14 times." 2 A. Sure. 3 Q. What does keyword wristband mean? 4 A. Just like us typing in Wristbands into Google 5 and seeing how many times your website shows up, that's 6 how many times our website shows up in ESP. 7 Q. Okay. Can you run the same kind of reports on 8 ESP that you run on Google? 9 A. No, we cannot. 10 Q. Are you able to run any reports to see if your 11 ads are creating, you know, optimization? 12 A. We pay like a flat fee -- not a flat fee, but 13 it's about \$30,000 a month. 14 Q. 30,000? 15 A. Yeah. We don't track sales versus output. 16 It's just like, yeah, there's no metric to track what 17 are the outputs. 18 Q. So I have seen WhatsApp transcripts between you 19 and I guess a handle called FedEx Latin. Do you know 20 what that would refer to, FedEx Latin? 21 A. It's probably a FedEx representative maybe. I 22 name my people really weird. 23 Q. So do you name -- you create the name on 24 WhatsApp for them? 25 A. Yeah, by default either you use their name or</p>
<p style="text-align: right;">648</p> <p>1 Q. If you go to page 98, and go to 1:46:00 and you 2 can just read down to the bottom and tell me when you 3 are done. 4 A. Okay. 5 Q. So let's start at 1:46. And she says, "Those 6 same products are on WB a well and we follow those." 7 Do you know what she's talking about? 8 A. Yeah, WB is just the trade name on ASI. 9 Q. So WB refers to ASI? 10 A. Correct. WB Promotion. 11 Q. Is that your company on ASI? 12 A. Yeah, my company. Zaappaaz owns that company, 13 yes. It's Zaappaaz's. It's like Wristbands. 14 Q. And then you say, "Check ESP again on ASI and 15 see how people doing." What does that mean? 16 A. Just looking at the market scope. That's it. 17 Q. Are you wanting to see how competitors are 18 doing? 19 A. Yeah, correct. 20 Q. And is that just a matter of looking at their 21 advertising? 22 A. It's just like going to Google and typing in 23 gel sanitizers and seeing who is advertising and what 24 they are selling it at. 25 Q. So then at 12:14 [sic] you say, "With keyword</p>	<p style="text-align: right;">650</p> <p>1 we adjust it. 2 Q. And so I was going to ask the same thing, I 3 have seen WhatsApp between you and Malaysia FedEx. 4 A. I just adjust the name so I know who I'm 5 talking to. 6 Q. Is the next Zaappaaz 67? 7 (Zaappaaz Exhibit Number 67 was marked for 8 identification.) 9 BY MS. SCHAEFER: 10 Q. So I have just marked Zaappaaz 67. This is a 11 WhatsApp transcript between you and Khalil. So go to 12 page 12, and I'm looking at 12:03:30, "If they want to 13 cancel an order before refund make sure we cannot do it 14 but if we can do it just release it before we issue a 15 refund." What did you mean by this? 16 A. I'm not sure exactly what this means. I think 17 it means to release it means to remove it from Shipping 18 Easy. They want to cancel an order before refund, 19 before a refund, make sure we cannot do it, I'm not 20 sure. 21 Q. And then, I mean, I'm going to ask about that 22 statement in 12:05 where he says, Yeah I told team they 23 need to let me know before refunding because I have to 24 make sure it's marked as shipped, removed from Ship 25 Easy or the label is thrown away and a note is added in</p>

<p style="text-align: right;">651</p> <p>1 Ship Easy.</p> <p>2 A. Yeah, I think that's what it really means is</p> <p>3 make sure it's released. So what happens is once it</p> <p>4 comes in our back end and we send to it Shipping Easy,</p> <p>5 one Shipping Easy is sent, it's not reversible and we</p> <p>6 cannot cancel it from Shipping Easy through an</p> <p>7 automation process. So if we cancel it in our back</p> <p>8 end, we need to go in manually in Shipping Easy and</p> <p>9 cancel it in Shipping Easy. So what I'm trying to tell</p> <p>10 Khalil here is release the order on Shipping Easy</p> <p>11 before you issue a refund. So meaning cancel Shipping</p> <p>12 Easy so the warehouse does not ship it out, number one,</p> <p>13 and then go into our back end and cancel it. Because</p> <p>14 we had instances where people were cancelling the order</p> <p>15 but they weren't cancelling our Shipping Easy, so it</p> <p>16 was being shipped out regardless. But, yeah, I think</p> <p>17 that's the clarification to that.</p> <p>18 Q. Okay. Let's go back to page 2. Let's go to</p> <p>19 the top where he says, "Every single active chat is</p> <p>20 about masks." Were these chats related to complaints?</p> <p>21 A. It doesn't say that.</p> <p>22 Q. What about the sentence below, "A lot of</p> <p>23 complaints or here and there", what were the complaints</p> <p>24 about?</p> <p>25 MR. BLANCHARD: Objection. Form.</p>	<p style="text-align: right;">653</p> <p>1 A. Yeah, automatic orders being pushed to China.</p> <p>2 Q. So then down at 8:58:39 he says, I might remove</p> <p>3 March 30th to prevent people from unsubscribing. Do</p> <p>4 you know what the implication of March 30th is?</p> <p>5 A. That's something you probably have to ask</p> <p>6 Khalil. I don't know.</p> <p>7 Q. Let's go to page 3.</p> <p>8 A. He was referring to not sending out multiple</p> <p>9 e-mails frequently. I think that's what he's referring</p> <p>10 to, but I'm not sure.</p> <p>11 Q. Let's go to 12:53:54, and you say, "Khalil may</p> <p>12 be best to put order number R." And then below, "that</p> <p>13 means it's overnight when you upload." Then he says,</p> <p>14 "Okay so R in front of the order number equals</p> <p>15 overnight?" And then he goes, "No, R equals ground?"</p> <p>16 And then you say yes, and then you give this example</p> <p>17 order number for overnight. So what does R mean?</p> <p>18 A. We are doing this manually, when our team was</p> <p>19 uploading this on Shipping Easy manually, there was no</p> <p>20 easy way to define if it needed to be overnight shipped</p> <p>21 or if it needed to be shipped by ground. So if there</p> <p>22 was an overnight order that our warehouse team needed</p> <p>23 to ship, they were putting a letter after it, I</p> <p>24 believe. Maybe it was R. I don't know why I said no R</p> <p>25 means like if you don't put an R after the dash, it</p>
<p style="text-align: right;">652</p> <p>1 THE WITNESS: I have no idea.</p> <p>2 BY MS. SCHAEFER:</p> <p>3 Q. And the next sentence, "Work on setting up</p> <p>4 API", what does that mean?</p> <p>5 A. The automation process to push orders</p> <p>6 automatically rather than manually.</p> <p>7 Q. And then he says, "Most customers are</p> <p>8 interested. I'm trying to stay on them & helping CSRs</p> <p>9 know how to respond." Most customers are interested in</p> <p>10 what?</p> <p>11 A. Products.</p> <p>12 Q. What does it mean that he says I'm trying to</p> <p>13 stay on them?</p> <p>14 MR. BLANCHARD: Objection. Calls for</p> <p>15 speculation.</p> <p>16 THE WITNESS: I mean, he's trying to relay the</p> <p>17 right message. It's the start of selling PPE products.</p> <p>18 It's a new product, so he's trying to create standards</p> <p>19 and procedures on how to respond to these customers. I</p> <p>20 guess CSRs are pretty much blinded, and we are trying</p> <p>21 to work as aggressively as possible.</p> <p>22 BY MS. SCHAEFER:</p> <p>23 Q. And then below it says, "That will be easy to</p> <p>24 manage so it goes straight to China." What does that</p> <p>25 mean?</p>	<p style="text-align: right;">654</p> <p>1 means you just shipped standard. We did this for --</p> <p>2 while we were uploading manually. So if it was a rush</p> <p>3 order and a customer paid for overnight, we put an R on</p> <p>4 the order and we shipped it overnight. That's what it</p> <p>5 meant.</p> <p>6 Q. Okay. 1:25:34 you say, "Get Diran to push for</p> <p>7 PLA ads I don't see any." What are PLA ads?</p> <p>8 A. Product listing ads. So if you type in</p> <p>9 wristbands and you see the product images on the</p> <p>10 right-hand side, that's product listing ads on Google.</p> <p>11 Q. And Diran would create these ads for you?</p> <p>12 A. Correct.</p> <p>13 Q. And then I'm looking at 1:28:36, he's saying</p> <p>14 seven orders of 312 face shields in Ship Easy. What</p> <p>15 does that mean?</p> <p>16 A. That's how many orders of face shields are in</p> <p>17 Ship Easy.</p> <p>18 Q. And does that mean -- well, the next line is</p> <p>19 13,000 face shields in the office printed labels. Is</p> <p>20 there a distinction between when they are printed</p> <p>21 labels or not printed labels?</p> <p>22 A. No, I think it's just if there was a larger</p> <p>23 order that needed to be processed a separate way,</p> <p>24 that's why it just needed to be packaged differently.</p> <p>25 1300 face shields needed a different way of packaging</p>

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1 them. That's a lot of boxes.

2 **Q. Let's go to the next page, page 4. And let's**
3 **start at 5:36:55 and Khalil says, "Ads increase after**
4 **hitting budget." What does that mean?**

5 A. Budget on Google Ads. We have a threshold of
6 how much Google can spend.

7 **Q. You have a threshold on how much you can spend**
8 **on Google or --**

9 A. Sure. Yeah.

10 **Q. And what does it mean, though, that after you**
11 **hit budget ads increase? Why would ads increase after**
12 **you hit budget?**

13 A. I'm sorry? What is your question?

14 **Q. So I just don't understand what the phrase "ads**
15 **increase after hitting budget" means?**

16 A. Yeah, should we increase ad dollars on our
17 budget? So if we have a budget of \$5,000, do you want
18 to increase it to \$10,000?

19 **Q. Okay, so he's asking?**

20 A. Yeah, he's asking.

21 **Q. Got it. Are these products that are mentioned**
22 **here sort of on the top one-third of the page, mask,**
23 **KN95, face shield, thermometer, gown, gloves, goggles,**
24 **were those the only covered products you were selling**
25 **at that time?**

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1 A. I don't know. Maybe. I'm not sure. Maybe
2 it's possible. That's what it says, PPE page.

3 **Q. So I'm going back to ads increase after hitting**
4 **budget. So then there's a breakdown: Thermometers**
5 **60,000; PLA thermometers 10,000; gowns 12,000; gloves**
6 **6,000. Is that money referring to ads then per**
7 **product?**

8 A. I think that was the budget.

9 **Q. Why is it important to track how much money you**
10 **are spending on ads?**

11 A. Just because, I mean, we could have spent
12 100,000 on thermometers. We didn't have those
13 thermometers. So we gauge it based on what orders we
14 get.

15 **Q. I'm sorry, explain that. Explain to me again.**

16 A. Yeah, \$60,000 in thermometers spent per day
17 equated to 600 thermometers we sold. If we change that
18 budget from 50,000 to 100,000, obviously, the price
19 goes up -- I mean, obviously the orders increase. So
20 it was all relative to what we could fulfill.

21 **Q. Let's go to page 5. And you say on 8:41, yeah,**
22 **keep pushing -- it's page 5, you say on 8:41:46, Ya**
23 **keep pushing but we need to optimize keywords." Can**
24 **you explain again what optimizing keywords is?**

25 A. Yeah, I mean --

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1 MR. BLANCHARD: Objection. Asked and answered.

2 THE WITNESS: For example, we do not want to
3 advertise gloves, let's say we don't advertise the
4 keyword gloves because that's really broad. We only
5 sell nitro gloves. We don't sell latex gloves. We
6 don't sell vinyl gloves. If we are not going to be
7 selling those gloves, we don't want people to click on
8 our ads if we're not going to be selling those gloves
9 because we are going to be wasting money. What we
10 would mean by optimizing is I would advertise the word
11 "nitro gloves" rather than the word "gloves." Just an
12 example of optimization.

13 BY MS. SCHAEFER:

14 **Q. So at 8:45:01, Khalil says, "I think should**
15 **give PPE e-mails a small break. April 6, 7, 9, 10,**
16 **Easter promo related." Do you know why he would want**
17 **to give a small break of e-mails?**

18 MR. BLANCHARD: Objection. Calls for
19 speculation.

20 THE WITNESS: It's just e-commerce standard
21 strategies. You don't want to bombard customers with
22 constant e-mails as they'll start unsubscribing. So
23 just the right spectrum, right number of e-mails to
24 keep them engaged and keep them intact rather than
25 spamming them.

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1 BY MS. SCHAEFER:

2 **Q. And what e-mails is he referring to? Are these**
3 **the Omnisend e-mails?**

4 A. I think so.

5 **Q. Let's go down to 10:49:23 and Khalil says, With**
6 **this much traffic and ad spending, there's still no way**
7 **you would potentially be audited, right? Why would he**
8 **be asking you this?**

9 MR. BLANCHARD: Objection. Calls for
10 speculation. Assumes facts not in evidence. Lacks
11 foundation.

12 THE WITNESS: I think you have to know Khalil,
13 why he would be asking this, but he's just started off
14 in our company and he's probably never seen such volume
15 of orders ever. So I have no idea. I think I
16 questioned him right after. Audited, question mark?
17 Didn't understand what he meant. So I think it was
18 just a thing that was in his mind. I have no idea.
19 You might want to ask him.

20 BY MS. SCHAEFER:

21 **Q. And then he expressed more worries, and you say**
22 **it's a clean transaction. But what is the "it" that**
23 **you are referring to?**

24 A. What is the what?

25 **Q. The "it". You say it is a clean transaction,**

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1 but what is "it"?

2 A. I think we were doing probably 10X of what we
3 were originally doing at this time. And I think he was
4 just worried about how large volume orders we were
5 getting and he was just worried as if we were going to
6 get audited or something. I have no idea what his
7 mindset is, but what I meant as a clean transaction, we
8 are selling the goods and we are shipping the goods.
9 That's it. That's what I meant. It was just a simple
10 conversation.

11 I think he mentions it right after as well,
12 credit card might even come and ask for tracking if
13 they see volume increase and make sure we are shipping
14 goods. I think he's referring to the volume of orders
15 we were getting and the volume of commerce we were
16 doing.

17 Q. Let's go to page 7. I'm going to ask about the
18 whole page, so you might --

19 MR. BLANCHARD: Can we give him a minute to
20 read it?

21 MS. SCHAEFER: Yeah.

22 THE WITNESS: Go ahead.
23
24
25

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1 EVENING SESSION

2 (5:30 p.m.)

3 BY MS. SCHAEFER:

4 Q. At the top, Azim, you say, Why does gloves 1
5 day shipping show 8th and not 7th. What does that
6 mean?

7 A. Yeah, it was the 6th, and if it wasn't
8 overnight, it should show the 7th. Not the 8th. So I
9 was figuring out why it showed the 8th as a delivery
10 date. Not the 7th.

11 Q. Was this, you were seeing it on your back end?

12 A. No, on the website where customers ordered.
13 There seems to be a glitch or something.

14 Q. On the public website you saw that the delivery
15 date was two days and not one day after?

16 A. Yeah.

17 Q. Okay. And again, would next-day delivery be
18 zero production days and one shipping day?

19 A. Where are you looking?

20 Q. I'm referring to your chart. I'm sorry, I'm
21 thinking of it conceptually.

22 A. Correct.

23 Q. Okay. And then 12:54:05, WQ220486562, do you
24 know what WQ means?

25 A. It's just a reference to where the order came

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1 from. It's just a reference marker on the website or
2 what page it came from.

3 Q. 12:56:25 he says, "I'll have him update all
4 products to +1 one for rush. Right now all showing
5 +2." And so that was the problem, is that what you are
6 saying?

7 A. I think so.

8 Q. So 7:53:29 he asks, "You want that done now for
9 SGS?" Can you explain that question?

10 A. SGS is a company that Khalil handles, Sports
11 Gear Swag. It has to relevance to Zaappaaz. I think
12 he's just referring to another company.

13 Q. Do you have any role in that company?

14 A. I'm an owner of that company, yes. I don't
15 manage the company, but I am an owner of it.

16 Q. What I don't understand is he's saying -- what
17 is he asking if you want done for SGS? I think if you
18 go to 7:52:57...

19 A. Auto uploading, I think we are working on
20 automatically uploading to Shipping Easy. I think
21 that's what we are trying to accomplish here, but I
22 can't give you a definite answer on that.

23 Q. Within the context of SGS?

24 A. I think that's something different. I don't
25 know what it is. It's probably some updates that we

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1 talked about. I don't know.

2 Q. So let's go back to SGS. So he says, you want
3 that done now? Not too early. And then he says, "okay
4 for WB sure." And what does that mean? What is this
5 conversation about?

6 A. I don't know what we are talking about. I
7 mean, I could guess references from the previous
8 context, it's automatically uploading orders into
9 Shipping Easy.

10 Q. Okay. Let's go to 9:07:24. It says "1,000
11 glove boxes rushed order April 6 due can you take?"
12 What is he asking you?

13 MR. BLANCHARD: Objection. Calls for
14 speculation.

15 THE WITNESS: Maybe we stopped taking rush
16 orders for gloves and we were trying -- he was asking
17 if we could take it for -- a customer probably asked
18 him for April 6th delivery. So he was just validating
19 with me as we stopped doing rush orders on that product
20 maybe.

21 BY MS. SCHAEFER:

22 Q. And so there on 9:07:24 he refers to rushed
23 orders.

24 A. Order.

25 Q. So if we go to the next page, 12:29:52 he said,

<p style="text-align: right;">663</p> <p>1 "Ok, I have noted this for urgent orders." What is an 2 urgent order is my first question? 3 MR. BLANCHARD: Objection. Asked and answered. 4 BY MS. SCHAEFER: 5 Q. Is an urgent order different than a rush order? 6 A. Urgent order is if it's essential, if there's 7 essential workers that need it, that's an urgent order. 8 We classified we had a separate order list that we kept 9 on the side to process those orders immediately. 10 Q. Okay. Let's go back up to 9:28:09, and he 11 says, "I'll stop labels soon." I'm wondering what 12 determines when -- what does stop labels soon mean? 13 A. It means when I go home to sleep. It's maybe 14 9:29, so it's maybe that's what he means. 15 Q. Does it have anything to do with inventory 16 being in stock or not? 17 A. I don't think so. 18 Q. On 10:39:05 you say, "Which sanitizers are we 19 offering" -- I mean, he says. I apologize. And you 20 say, "I added you in group they will send image there." 21 So my first question is at any given time were you 22 offering different sanitizers? 23 A. Different sanitizers, I mean, there were gel 24 sanitizers and liquid sanitizers. There were different 25 vendors, yes.</p>	<p style="text-align: right;">665</p> <p>1 he's referring to. 2 BY MS. SCHAEFER: 3 Q. What is his point? 4 MR. BLANCHARD: Objection. Calls for 5 speculation. 6 THE WITNESS: I don't know what his point is. 7 BY MS. SCHAEFER: 8 Q. What does "printed will hand" mean? 9 MR. BLANCHARD: Objection. Calls for 10 speculation. 11 THE WITNESS: He's going to print out the 12 labels and hand it to the warehouse workers, I guess. 13 BY MS. SCHAEFER: 14 Q. And then right below, "WB COVID-19.PDF", do you 15 know what document that's referencing? 16 A. I do not. 17 Q. And then right below, "Could put same message 18 on GU but I don't think GU is having as much trouble 19 with back orders." That's Glow Universe; is that 20 right? 21 A. That's correct. 22 Q. Which is owned by Ionized? 23 A. That's correct. 24 Q. And why is he asking if you should put this 25 COVID message on GU's website?</p>
<p style="text-align: right;">664</p> <p>1 Q. So what's the answer, were you offering at any 2 given time just different brands of sanitizers? 3 A. Yes. 4 Q. Is that why he's asking you which sanitizers 5 are we offering? 6 MR. BLANCHARD: Objection. Calls for 7 speculation. 8 THE WITNESS: Honestly, I don't know what I'm 9 asking right there. 10 BY MS. SCHAEFER: 11 Q. Well, he's asking, then you say, I added you in 12 group. They will send image there. What does that 13 mean? 14 A. I don't know, maybe they got the image of the 15 product for shipping out. I have no idea. And he's 16 going to update the website, something like that. I 17 don't know. 18 Q. Let's go to the next page. And the first 19 thing, the first line there is this order number is 500 20 face shields and we have so many other urgent face 21 shield orders that are huge. Was he worried that you 22 didn't have enough inventory to fill the orders? 23 MR. BLANCHARD: Objection. Calls for 24 speculation. Lacks foundation. 25 THE WITNESS: No, I don't think that's what</p>	<p style="text-align: right;">666</p> <p>1 MR. BLANCHARD: Objection. Calls for 2 speculation. 3 THE WITNESS: We all work out of the same 4 warehouse. We all want to achieve the same thing. 5 BY MS. SCHAEFER: 6 Q. This is your company too. Why weren't they 7 having as many issues with back orders? 8 MR. BLANCHARD: Objection. Calls for 9 speculation. Lacks foundation. 10 THE WITNESS: We never had an inventory issue. 11 We always had issues with shutting down, FedEx not 12 picking up goods and other factors that we needed. 13 BY MS. SCHAEFER: 14 Q. So Ionized was experiencing the exact same 15 thing. I mean, you bought products together, you 16 shipped products together, you used similar accounts, 17 you used the same accounts. So I don't understand why 18 it is that they don't have as many back orders as you? 19 A. Ionized is probably 3 percent of Zaappaaz. 20 So -- 21 Q. What is that? 22 MR. BLANCHARD: He said Ionized is probably 23 3 percent of Zaappaaz, the size of Zaappaaz. 24 BY MS. SCHAEFER: 25 Q. Okay. What is a back order? How would you</p>

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1 **define a back order?**

2 A. Multiple reasons to define a back order. In
3 this era that we are in right now, March, April and the
4 peak of COVID, a back order means we are supposed to
5 have 20 employees, and we ended up having 10 employees
6 come the next day. A back order means that the
7 government is shutting down all businesses and you need
8 an essential certificate to operate. That means it's a
9 back order. Our India office has shut down because the
10 government has shut down and we're not able to take
11 calls anymore and we are not able to process the
12 orders. That's considered a back order. I mean, it
13 entails a lot of "ifs" and "thens" in this scenario.
14 So, yes, that's what a back order means.

15 **Q. Page 11, the 12:17:51 stamp you say, "Have them**
16 **create a list of all refunds so we can backtrack once**
17 **we have inventory." And I want you to tell me what**
18 **that means.**

19 A. Once we have inventory, we can call the
20 customer and see if they want to place the order again.

21 **Q. Let's go to page 23. So 10:35:17 he says,**
22 **Still e-mailing gown customers that have an order with**
23 **us that haven't received, telling them order delivering**
24 **between 5/8 and 5/15. So you didn't have these gowns.**
25 **Does this mean you didn't have enough gowns to fulfill**

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1 **orders?**

2 A. It doesn't mean we didn't have them in stock.
3 This means a lot of transitions were happening. So we
4 were having to shift everything from China to the U.S.
5 because of laws, as I stated earlier. That's why we
6 were starting to reach out to customers, as our sales
7 force was starting to rebuild back up. This is around
8 May. So we are starting to ramp back up again with
9 CSRs billed out in the U.S. office. So that's exactly
10 what it means is we are reaching out to customers,
11 letting them know, hey, this is when you are going to
12 get the orders if you need anything. If not, we'll
13 refund it.

14 **Q. These orders, they were late, correct?**

15 A. Doesn't mean it was late. It was meaning there
16 were orders and we needed to reach out to them and let
17 them know if they still needed it, understand the
18 situation that we were in.

19 **Q. And then 10:36:27, you say, "I want to use the**
20 **current inventory for new orders to the test if there**
21 **is a demand for gown." What does that mean? Does that**
22 **mean you are not going to use current inventory to**
23 **fulfill old orders?**

24 A. No, I don't think that's what it means. That
25 wouldn't make sense. I think it was a new type of gown

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1 that we received, maybe, a reusable gown that we were
2 trying to see if there was a demand for. I don't know.
3 I think it mentions the different GSMs on the bottom as
4 to what we were ordering.

5 **Q. So what is Trello?**

6 A. The task management. It's like a pin board.

7 **Q. How long has Zaappaaz been using it?**

8 A. Ever since Khalil started. I don't think I
9 have ever used it much, but Khalil is very oriented in
10 organizing things. So he was using that.

11 **Q. And did you use it individually?**

12 A. I used it a couple of times.

13 **Q. So you said it was like what application did**
14 **you compare it to?**

15 A. It's like a pin board.

16 **Q. How does it work?**

17 A. You just say, put like, hey, on August 8th,
18 remind me to pick up the gloves. It's just a message
19 on there that can remind the person or you can put it
20 on someone else's board.

21 **Q. Is it used to enter tasks?**

22 A. Yeah, you can.

23 **Q. And how do you add to it?**

24 A. You log in to Trello.

25 **Q. Who has access to it?**

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1 A. Individual accounts.

2 **Q. Would individual accounts -- so it's not by**
3 **people? It's by accounts?**

4 A. Yeah, I think you create an account and then
5 you create a board and you add people to that board.
6 I'm not very familiar with Trello, so I don't know the
7 ins and outs of it, but I would assume that's how it
8 works.

9 **Q. But people from Zaappaaz like you or Khalil**
10 **enter tasks into it?**

11 A. I think it was mostly Khalil and Priyank that
12 used it for development updates.

13 **Q. And is the information maintained on Trello?**

14 A. I would assume so, yeah.

15 **Q. Is it housed anywhere else in your business**
16 **records?**

17 A. No.

18 **Q. Sorry, I'm trying to bring in a document. I'm**
19 **going to mark this as Zaappaaz 68.**

20 **(Zaappaaz Exhibit Number 68 was marked for**
21 **identification.)**

22 BY MS. SCHAEFER:

23 **Q. Do you recognize this document?**

24 A. (Reviewing document.)

25 **Q. Well, this was a Trello spreadsheet that was**

<p style="text-align: right;">671</p> <p>1 produced to us.</p> <p>2 A. No, I don't recognize it.</p> <p>3 Q. Were you aware that this information was</p> <p>4 produced to us?</p> <p>5 A. There was a lot of documents that were</p> <p>6 produced. I don't know if this was one of them. But,</p> <p>7 no, I wasn't aware.</p> <p>8 Q. Do you know who pulled this information?</p> <p>9 A. I do not know.</p> <p>10 Q. Does this information come from Trello, do you</p> <p>11 know?</p> <p>12 MR. BLANCHARD: Can I make a stipulation?</p> <p>13 MS. SCHAEFER: Yeah.</p> <p>14 MR. BLANCHARD: This was generated from Trello.</p> <p>15 This was a report generated from Trello's website.</p> <p>16 MS. SCHAEFER: What's the stipulation?</p> <p>17 MR. BLANCHARD: That it is from Trello.</p> <p>18 (Zaappaaz Exhibit Number 69 was marked for</p> <p>19 identification.)</p> <p>20 BY MS. SCHAEFER:</p> <p>21 Q. Do you see this?</p> <p>22 A. I do.</p> <p>23 Q. So I marked this as Zaappaaz Exhibit 69. And</p> <p>24 this is also -- is this also a spreadsheet that came</p> <p>25 from Trello?</p>	<p style="text-align: right;">673</p> <p>1 wanted to extract out of there?</p> <p>2 A. I just selected everything and just put a date</p> <p>3 range and extracted all of it.</p> <p>4 Q. And is that the same circumstances that applied</p> <p>5 to Zaappaaz 68, the previous Trello chart?</p> <p>6 A. What was that question again?</p> <p>7 Q. So I showed you a chart -- Zaappaaz 68 was also</p> <p>8 a Trello chart, and when you testified about it, your</p> <p>9 recollection hadn't been refreshed. So with respect to</p> <p>10 Zaappaaz 68 --</p> <p>11 A. I don't see Zaappaaz 68.</p> <p>12 Q. I'll put it up. This is Zaappaaz 68.</p> <p>13 A. I see your desktop.</p> <p>14 Q. Do you see it?</p> <p>15 A. Okay, yeah.</p> <p>16 Q. So this is Zaappaaz 68. Where did this</p> <p>17 information come from?</p> <p>18 A. Trello.</p> <p>19 Q. And who pulled this information?</p> <p>20 A. It could be me or Khalil. Either one of us.</p> <p>21 Q. Who would have determined what information to</p> <p>22 pull?</p> <p>23 A. Our standard guidelines were from March to</p> <p>24 December. So we pulled whatever we can from March to</p> <p>25 December of 2020.</p>
<p style="text-align: right;">672</p> <p>1 MR. BLANCHARD: Yes.</p> <p>2 BY MS. SCHAEFER:</p> <p>3 Q. And Azim, do you have any information about who</p> <p>4 pulled this?</p> <p>5 A. I do not.</p> <p>6 Q. Do you know who pulled this information from</p> <p>7 Trello?</p> <p>8 A. I think my counsel did.</p> <p>9 Q. Do you know what parameters were used to</p> <p>10 determine what to pull?</p> <p>11 MR. BLANCHARD: Can we take a quick break so we</p> <p>12 can try and clear this up?</p> <p>13 MS. SCHAEFER: Sure.</p> <p>14 (A recess was taken.)</p> <p>15 MR. BLANCHARD: His recollection is refreshed</p> <p>16 about the source of those exhibits, Michelle.</p> <p>17 BY MS. SCHAEFER:</p> <p>18 Q. Okay. So where did the information in this</p> <p>19 exhibit come from?</p> <p>20 A. I sent it to my counsel.</p> <p>21 Q. You sent what to your counsel?</p> <p>22 A. The extract of Trello.</p> <p>23 Q. And who extracted it?</p> <p>24 A. I did, I believe.</p> <p>25 Q. And how did you determine what information you</p>	<p style="text-align: right;">674</p> <p>1 Q. And why would Khalil be pulling this if he</p> <p>2 doesn't work for Zaappaaz anymore?</p> <p>3 A. If it was sent after, then it was definitely</p> <p>4 me. I just don't recall.</p> <p>5 Q. Did the Texas AG ever investigate you?</p> <p>6 MR. BLANCHARD: Objection. Calls for</p> <p>7 speculation.</p> <p>8 THE WITNESS: Investigate me? I don't know</p> <p>9 what the terminology "investigate" means.</p> <p>10 BY MS. SCHAEFER:</p> <p>11 Q. Did you ever have dealings in the spring of</p> <p>12 2020 with someone from the Texas Attorney General's</p> <p>13 Office?</p> <p>14 A. I don't know if they were the Attorney</p> <p>15 General's Office.</p> <p>16 Q. What do you remember?</p> <p>17 A. I think it was the AG's office or the guy</p> <p>18 personally called me on his cell phone.</p> <p>19 Q. Why did they contact you?</p> <p>20 MR. BLANCHARD: Objection. Calls for</p> <p>21 speculation.</p> <p>22 THE WITNESS: In regards to exuberant [sic]</p> <p>23 prices.</p> <p>24 BY MS. SCHAEFER:</p> <p>25 Q. An when I mean you, I'm referring to, obviously</p>

<p style="text-align: right;">675</p> <p>1 Zaappaaz in this case.</p> <p>2 A. Yeah.</p> <p>3 Q. Because of high prices?</p> <p>4 A. Um-hum.</p> <p>5 Q. And why would they call you because of high</p> <p>6 prices?</p> <p>7 MR. BLANCHARD: Objection. Calls for</p> <p>8 speculation.</p> <p>9 THE WITNESS: At that time, masks were</p> <p>10 selling -- before COVID they were selling for \$0.05,</p> <p>11 \$0.06. COVID hit and automatically it jumped to \$0.50,</p> <p>12 \$0.60, so the public is automatically assuming that we</p> <p>13 are making the money here. But if they were a little</p> <p>14 enlightened by the situation that was happening, the</p> <p>15 logistics that was causing the prices to go up, the</p> <p>16 factories in China are raising the prices, the shipping</p> <p>17 costs that were rising, they would understand, and I</p> <p>18 think that was or conversation with the AG.</p> <p>19 BY MS. SCHAEFER:</p> <p>20 Q. And were they investigating other companies</p> <p>21 other than Zaappaaz?</p> <p>22 A. I do not know. I don't think --</p> <p>23 Q. I mean other companies owned by you selling</p> <p>24 covered products?</p> <p>25 A. I don't think we were investigated.</p>	<p style="text-align: right;">677</p> <p>1 Q. So this says advertisements of face masks and</p> <p>2 KN95 masks between 1/12/2020 and 4/10/2020. I thought</p> <p>3 you started advertising in March 2020. So I'm</p> <p>4 wondering why this says you have advertisements for</p> <p>5 January 2020?</p> <p>6 A. I don't know why it says that either. I think</p> <p>7 it's --</p> <p>8 Q. Were you selling covered products in January?</p> <p>9 A. No, we weren't.</p> <p>10 Q. Were you selling them in February?</p> <p>11 A. No, we weren't. Sales of protective face masks</p> <p>12 and KN95 from 3/29/20120 and 4/10/2020. Advertisements</p> <p>13 of face masks and KN95 masks between 1/12/2020 and</p> <p>14 4/10/2020, I think it's typo or something. I don't</p> <p>15 know. No, we were not selling any face masks.</p> <p>16 Q. And so let's go up to the string right below</p> <p>17 the top string where you send a support.Google.com ads</p> <p>18 policy document. What is that link to? What is that</p> <p>19 link to?</p> <p>20 A. I don't know. I mean, policies.</p> <p>21 Q. Would it be your ad, Zaappaaz's ad policies?</p> <p>22 A. Google.com.</p> <p>23 Q. It's Google.com's ad policies?</p> <p>24 A. Um-hum.</p> <p>25 Q. And why would you be sending that to him?</p>
<p style="text-align: right;">676</p> <p>1 Q. Were they asking questions about other</p> <p>2 companies you own that sell covered products?</p> <p>3 A. No.</p> <p>4 Q. What is our next number? Is it 71?</p> <p>5 MR. BLANCHARD: Document 5 is not marked as an</p> <p>6 exhibit on our screen.</p> <p>7 MS. SCHAEFER: I meant to mark it. This is</p> <p>8 what I'm trying to mark. And now -- I don't know. I</p> <p>9 was going to make it 71.</p> <p>10 THE REPORTER: It should be 70.</p> <p>11 (Zaappaaz Exhibit Number 70 was marked for</p> <p>12 identification.)</p> <p>13 BY MS. SCHAEFER:</p> <p>14 Q. So here is an e-mail exchange between you and</p> <p>15 William Carpenter. Did you send this e-mail?</p> <p>16 A. I did.</p> <p>17 Q. And this e-mail only refers to, I think, face</p> <p>18 masks and KN95 masks. Why didn't you have to provide</p> <p>19 information about other covered products?</p> <p>20 A. That's all they asked for.</p> <p>21 Q. Why, if you go down to underneath those</p> <p>22 tracking numbers, number 1, 2, 3, you see sales of</p> <p>23 protective face masks, number 1; you see number 2,</p> <p>24 advertisements?</p> <p>25 A. Okay.</p>	<p style="text-align: right;">678</p> <p>1 A. Maybe he requested their ad policies. I don't</p> <p>2 know. Google had ad policies on what you could</p> <p>3 advertise and what you could not advertise. So maybe I</p> <p>4 was just explaining it to him. It was more of an</p> <p>5 educational process.</p> <p>6 Q. So why was this e-mail sent to you? And I'm on</p> <p>7 page 4 out of 7 of the PDF right under June 13, 2020,</p> <p>8 at 12:57.</p> <p>9 MR. BLANCHARD: Objection. Calls for</p> <p>10 speculation.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 BY MS. SCHAEFER:</p> <p>13 Q. Go to page 2 out of 7. It's a June 30, 2020,</p> <p>14 2:15 p.m. string. And he says, "FYI: I have a</p> <p>15 conference call in the morning with some of our</p> <p>16 division folks. I may get asked to give them an update</p> <p>17 on how things are going with WB and GU." What's GU?</p> <p>18 A. Glow Universe.</p> <p>19 Q. Does that refresh your recollection in terms of</p> <p>20 him looking into or asking you about other companies</p> <p>21 you own --</p> <p>22 A. Yeah, from my knowledge, I don't think he was</p> <p>23 ever interested in Glow Universe. I brought Glow</p> <p>24 Universe up when he mentioned if we were selling with</p> <p>25 other companies.</p>

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1 **Q. So you submitted sales information for Glow**
2 **Universe?**

3 A. I believe so.

4 **Q. But he didn't ask you for the information? You**
5 **just submitted it?**

6 A. I'm sure he asked me for it, to present it.

7 **Q. So he was asking you looking into other**
8 **companies you owned?**

9 MR. BLANCHARD: Objection, argumentive;
10 objection, misstates prior testimony; objection, asked
11 and answered.

12 THE WITNESS: I don't think he was asking me
13 for any other companies. This is something that I was
14 complying with as much as possible to give him an
15 understanding of the situation. That's all I was
16 doing. I think he was only interested -- his initial
17 complaint came for wristband.com.

18 BY MS. SCHAEFER:

19 **Q. I understand. And my question is, did it**
20 **expand to other companies when he learned that other**
21 **companies you owned were also selling covered products?**

22 MR. BLANCHARD: Objection. Calls for
23 speculation.

24 THE WITNESS: From my conversation, I don't
25 think so.

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1 BY MS. SCHAEFER:

2 **Q. Is it your testimony that you voluntarily**
3 **produced the information about Ionized?**

4 A. Well, it's apparent. I voluntarily provided
5 the documents, yes. I mean, there was no demand for me
6 to provide these documents.

7 **Q. There was no demand for you to provide sales**
8 **information and ad information related to Glow**
9 **Universe?**

10 A. Even for Zaappaaz.

11 **Q. There was no request for you to provide sales**
12 **or ad information related to Zaappaaz?**

13 A. That is correct.

14 **Q. What about, what is essentialneeds.com?**

15 A. It was a website that we opened up under a
16 different corporation but just never took anywhere, so
17 we converted it into a donation website where we were
18 shipping out -- I think we shipped out almost 15,000
19 orders of surgical masks and KN95 for free to
20 customers.

21 **Q. Well, you also provided sales and ad**
22 **information about Essential Needs --**

23 A. Yes.

24 **Q. -- to the attorney general.**

25 A. I think it was mostly the donations that we did

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1 through the site, yeah.

2 **Q. And he didn't ask for that information? You**
3 **just provided it?**

4 A. That is correct.

5 **Q. Do you see my screen?**

6 MR. BLANCHARD: We do now.

7 BY MS. SCHAEFER:

8 **Q. So this is sales information that you provided**
9 **to the Attorney General. And so you see that it**
10 **includes information about Wristband and Glow Universe**
11 **and then MP. And is it still your testimony that he**
12 **didn't ask for this information for the companies, all**
13 **these companies?**

14 A. I didn't say he didn't ask for the information.
15 I said there was no demand for me to give it. It was a
16 voluntary thing that I did.

17 **Q. But my review of the record shows that they**
18 **served a civil investigative demand on you, which is a**
19 **subpoena.**

20 A. I do not think so.

21 **Q. So your testimony is you did not get served**
22 **with a civil investigative demand, and yet --**

23 A. From my recollection, I do not think we got
24 served with a subpoena.

25 **Q. So I just want you to walk me through -- well,**

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1 **first of all, here on column A, you have information**
2 **about revenue -- I mean, wristband.com, and then you**
3 **have information about glowuniverse.com, and then**
4 **there's something called MP. And then there's a note**
5 **from William Carpenter. Does MP mean mask projects? I**
6 **may have misunderstood. What is MP?**

7 A. It was a partnership within owners of Zaappaaz
8 and Ionized. It was a separate entity that was
9 created.

10 **Q. Does this have anything to do with Essential --**

11 A. No.

12 **Q. Does this have anything to do with the donation**
13 **entity you formed?**

14 A. It came out of MP's funding, I guess, if you
15 want to consider that.

16 **Q. And tell me, so MP is just -- what comprises it**
17 **again?**

18 A. Mask Project was orders that were -- when
19 Ionized was taking ASI orders that were part of the MP
20 project, it was a distribution that was done by
21 Zaappaaz and Ionized, and it was considered under MP
22 Project.

23 **Q. It was considered under what project?**

24 A. When Ionized was helping Zaappaaz ship orders,
25 process orders and fulfill -- give orders from ASI

<p style="text-align: right;">683</p> <p>1 customers, remember we had a conversation on Ionized</p> <p>2 helping take orders for ASI?</p> <p>3 Q. Yes.</p> <p>4 A. So we had a separate pool of any revenue that</p> <p>5 came under that, we were going to do a profit</p> <p>6 splitting.</p> <p>7 Q. You were going to do a profit splitting</p> <p>8 under --</p> <p>9 A. Zaappaaz and Ionized.</p> <p>10 Q. And so is this a separate entity?</p> <p>11 A. It's not an entity. It's just an internal</p> <p>12 name. All the transactions went through Zaappaaz.</p> <p>13 Q. And so is the revenue tied to MP contained in</p> <p>14 the master chart we looked at earlier?</p> <p>15 A. That's correct. It was under Zaappaaz's sheet,</p> <p>16 correct.</p> <p>17 Q. Okay. And what about the Glow Universe?</p> <p>18 A. That was completely Ionized.</p> <p>19 Q. Is that separate?</p> <p>20 A. Ionized.</p> <p>21 Q. Those orders are not in this sheet; is that</p> <p>22 right?</p> <p>23 A. That is correct.</p> <p>24 Q. Okay. So do these entities split advertising</p> <p>25 costs? And I'm looking at --</p>	<p style="text-align: right;">685</p> <p>1 A. These are all donations from Essential Needs.</p> <p>2 Q. So I guess, so the funds you got from Essential</p> <p>3 Needs, those are going to be in the master tracking</p> <p>4 sheet?</p> <p>5 A. Repeat that.</p> <p>6 Q. So this reflects what ended up happening with</p> <p>7 essentialneeds.com?</p> <p>8 A. Correct.</p> <p>9 Q. It became an entity through which you donated</p> <p>10 covered products to organizations?</p> <p>11 A. To anybody. We had a news clipping out, and</p> <p>12 that's how it kind of blew up and everybody went on to</p> <p>13 the website and ordered a sample pack. These are all</p> <p>14 individual customers, homeowners, just regular</p> <p>15 customers just getting -- I think there were two KN95s</p> <p>16 and two surgical masks.</p> <p>17 Q. Okay.</p> <p>18 A. Free of cost.</p> <p>19 MS. SCHAEFER: I want to make sure, did I mark</p> <p>20 this exhibit? Zaappaaz 0012298, let's mark that as</p> <p>21 Zaappaaz?</p> <p>22 (Zaappaaz Exhibit Number 71 was marked for</p> <p>23 identification.)</p> <p>24 BY MS. SCHAEFER:</p> <p>25 Q. Did someone from the FAA ever contact you</p>
<p style="text-align: right;">684</p> <p>1 A. They do not split advertising costs.</p> <p>2 Q. That's right. No, I meant do they split</p> <p>3 shipping costs?</p> <p>4 A. They do not split shipping costs.</p> <p>5 Q. Then I'm looking at row 31. That doesn't seem</p> <p>6 to be broken down by company. It seems to be broken</p> <p>7 down by product.</p> <p>8 A. Yeah, so for example, we could not ship --</p> <p>9 let's say Zaappaaz ordered 100,000 KN95 masks and it</p> <p>10 cost us \$0.10 per mask and an additional \$0.10 for</p> <p>11 shipping, which is \$0.20 per mask. Ionized would buy</p> <p>12 that from Zaappaaz at \$0.20 rather than having to do --</p> <p>13 I mean, we are all -- I'm a common owner in all</p> <p>14 companies. So it doesn't make sense for me to order</p> <p>15 50,000 under one bill of lading and another 50,000</p> <p>16 under another bill of lading. It's just to make life</p> <p>17 simple to just order under one company and then just</p> <p>18 allocate it.</p> <p>19 Q. What about the costs for -- the cost of labor,</p> <p>20 which is 37?</p> <p>21 A. That was split at some point, correct.</p> <p>22 Q. Because you all share the warehouse?</p> <p>23 A. Yeah.</p> <p>24 Q. So I get this additional info tab, and what</p> <p>25 does the information in this spreadsheet reflect?</p>	<p style="text-align: right;">686</p> <p>1 related to your packaging?</p> <p>2 A. They did.</p> <p>3 Q. When did they contact you?</p> <p>4 A. I don't know.</p> <p>5 Q. Why did they contact you?</p> <p>6 A. There was a leak of sanitizers going to Alaska,</p> <p>7 I think, on a plane. That was why.</p> <p>8 Q. And what was the -- what happened? What did</p> <p>9 they say when they contacted you? What resulted from</p> <p>10 that contact?</p> <p>11 A. They needed -- I guess anything -- I don't know</p> <p>12 how FAA works, but anything that leaks or there's an</p> <p>13 issue related to air space, they need to investigate</p> <p>14 it. So this was something that leaked on a plane and</p> <p>15 they needed to investigate it. And then they basically</p> <p>16 said that you need to package your goods in a certain</p> <p>17 way, and we needed to get a certificate of packaging</p> <p>18 which the FAA guy gave us a contact who could get us</p> <p>19 certified. And we got someone in our warehouse</p> <p>20 certified, and that was the end of it.</p> <p>21 Q. Did someone from FedEx ever come to your</p> <p>22 facilities to teach you to how to pack?</p> <p>23 A. Yes.</p> <p>24 Q. When did that happen?</p> <p>25 A. I don't know.</p>

<p style="text-align: right;">687</p> <p>1 Q. Who came?</p> <p>2 A. One of the representatives of FedEx.</p> <p>3 Q. And why did they need to teach you how to pack?</p> <p>4 A. Well, apparently there's a specific way to</p> <p>5 package liquid sanitizers, and that's why they came, to</p> <p>6 just kind of give us -- we were one of their greatest</p> <p>7 customers, so they just wanted to make sure we were</p> <p>8 getting our goods to the customers in a timely and</p> <p>9 presentable fashion.</p> <p>10 Q. So you produced two invoices for chartered</p> <p>11 airplanes in our production. And we had talked about</p> <p>12 it at your prior deposition, but we didn't have the</p> <p>13 invoices at that point. Now I have looked at them and</p> <p>14 they are both between FedEx and Ionized. So I'm</p> <p>15 wondering why the contracts for charter planes were</p> <p>16 entered into with Ionized?</p> <p>17 A. Our account with FedEx is under Ionized. All</p> <p>18 my companies have a subaccount under Ionized. So it's</p> <p>19 just how they were set up, I guess.</p> <p>20 Q. Why would they be set up like that?</p> <p>21 A. So we could take the benefits of the rates.</p> <p>22 Q. And when you chartered these planes, do you</p> <p>23 remember -- well, when was the first charter?</p> <p>24 A. I don't know.</p> <p>25 (Zaappaaz Exhibit Number 72 was marked for</p>	<p style="text-align: right;">689</p> <p>1 coming back on the plane?</p> <p>2 A. Me and my team.</p> <p>3 Q. And how did you know what products to order?</p> <p>4 A. How do I know what products to order?</p> <p>5 Q. Correct. I mean, how were you selecting the</p> <p>6 products? Was it based on what you saw people were</p> <p>7 purchasing from you?</p> <p>8 A. We just guessed on the future order demand that</p> <p>9 we were going to get based on what we were currently</p> <p>10 getting.</p> <p>11 Q. Was it just all sorts of different covered</p> <p>12 products you were buying?</p> <p>13 A. Correct.</p> <p>14 Q. Was there a difference between, I guess, what</p> <p>15 did you say, it was a partial charter? You took</p> <p>16 whatever room you could. Was the other charter, did</p> <p>17 you have the entire plane?</p> <p>18 A. We did.</p> <p>19 Q. And again, did you and your colleagues order</p> <p>20 the material based on what you thought, you know,</p> <p>21 people were going to order?</p> <p>22 A. Correct.</p> <p>23 Q. Is Ace Gloves a supplier?</p> <p>24 A. He was.</p> <p>25 Q. Where are they?</p>
<p style="text-align: right;">688</p> <p>1 identification.)</p> <p>2 BY MS. SCHAEFER:</p> <p>3 Q. So I have marked as Exhibit 73 [sic] this FedEx</p> <p>4 air charter invoice?</p> <p>5 A. I can't hear you.</p> <p>6 Q. Can you see this exhibit? It's marked as the</p> <p>7 air charter invoice.</p> <p>8 A. Yeah.</p> <p>9 Q. So was this for the first charter flight?</p> <p>10 A. I don't know if this was the first one or</p> <p>11 second one. But, yes, one of the charters.</p> <p>12 Q. And was this a plane that you split with</p> <p>13 someone else, if you remember?</p> <p>14 A. I can't hear you.</p> <p>15 Q. Was this the plane that you split with other</p> <p>16 entities?</p> <p>17 A. This is not a full charter. This is a part</p> <p>18 charter. So we took whatever space was given to us,</p> <p>19 which in this case it was about 16-1/2 thousand kilos.</p> <p>20 Q. And where did the inventory or the cargo come</p> <p>21 from that went on the --</p> <p>22 A. From China.</p> <p>23 Q. Did it come from more than one supplier?</p> <p>24 A. I do not know. I don't know.</p> <p>25 Q. Who would have ordered the inventory that was</p>	<p style="text-align: right;">690</p> <p>1 A. Malaysia.</p> <p>2 Q. Do they just sell gloves?</p> <p>3 A. I don't know if they sell anything else. We</p> <p>4 only deal with gloves with them.</p> <p>5 (Zaappaaz Exhibit Number 73 was marked for</p> <p>6 identification.)</p> <p>7 BY MS. SCHAEFER:</p> <p>8 Q. I have marked this as 75 [sic]. And it's a</p> <p>9 WhatsApp between Benny, Azim, Sherez and Ace Gloves.</p> <p>10 What I want to know is whether Ace Gloves provided the</p> <p>11 inventory for one of the chartered flights?</p> <p>12 A. No.</p> <p>13 Q. So why does the first say that you created a</p> <p>14 group FedEx Air Large Shipment?</p> <p>15 A. What is your question?</p> <p>16 Q. So you never -- Ace Gloves, you never bought</p> <p>17 inventory from Ace Gloves that was subsequently flown</p> <p>18 in your privately chartered planes?</p> <p>19 A. No.</p> <p>20 Q. So why, if you go down to, let's say, 8:23:35</p> <p>21 on the first page, Sherez says, Are we ready for air</p> <p>22 lift on June 16th?</p> <p>23 A. What is your question?</p> <p>24 Q. Well, I'm wondering, they are talking about</p> <p>25 the -- I think they are talking about your chartered</p>

<p style="text-align: right;">691</p> <p>1 planes, but I might be wrong?</p> <p>2 A. No, they are just talking about shipping</p> <p>3 1500 cases.</p> <p>4 Q. So this has nothing to do with the chartered</p> <p>5 flights?</p> <p>6 A. No.</p> <p>7 Q. What is the Noun Project?</p> <p>8 A. I don't know what it is, but we used that for</p> <p>9 clip arts.</p> <p>10 Q. What does that mean?</p> <p>11 A. It's just clip arts. We use that so if a</p> <p>12 customer wants a clip art on their promotional product,</p> <p>13 they can put it on their promotional product.</p> <p>14 (Zaappaaz Exhibit Number 74 was marked for</p> <p>15 identification.)</p> <p>16 BY MS. SCHAEFER:</p> <p>17 Q. I have marked this as Exhibit 76 [sic]. It's</p> <p>18 an e-mail that Priyank got from the Noun Project. And</p> <p>19 I'm just -- go ahead. What?</p> <p>20 A. Okay.</p> <p>21 Q. Did you read it?</p> <p>22 A. Yeah, I got it.</p> <p>23 Q. And I'm wondering what this usage alert means.</p> <p>24 A. API calls for how many times you request from</p> <p>25 the Noun Project, so we probably, within our</p>	<p style="text-align: right;">693</p> <p>1 A. Shopper Approved is a website of third-party</p> <p>2 reviews which I believe Zaappaaz has, I want to say,</p> <p>3 about 300,000 reviews of 4-1/2 to 5-star ratings. So</p> <p>4 that's what Shopper Approved is.</p> <p>5 Q. And you were getting too much feedback from</p> <p>6 Shopper Approved to your, I don't know, platform?</p> <p>7 A. No. E-mails -- we were sending out a lot of</p> <p>8 mailer e-mails. So we have a threshold of how many</p> <p>9 mailer e-mails we can send out. Because of the volume</p> <p>10 of orders we were getting, every time an order came in,</p> <p>11 Shopper Approved was sending out e-mails. So we didn't</p> <p>12 want to use that volume of e-mails under Shopper</p> <p>13 Approved because it didn't really help our business.</p> <p>14 So we shut that off temporarily.</p> <p>15 Q. I see. So I want to ask a little bit about</p> <p>16 where you searched for responsive documents when you</p> <p>17 were responding to discovery.</p> <p>18 A. Okay.</p> <p>19 Q. So I know you guys use Google Drive. Did you</p> <p>20 look at Google Drive?</p> <p>21 A. Correct.</p> <p>22 Q. There's something that I have seen called</p> <p>23 Slack. What is Slack?</p> <p>24 A. Slack is another platform for communication.</p> <p>25 Q. Did you search on Slack for responsive</p>
<p style="text-align: right;">692</p> <p>1 subscription model, we exceeded that request.</p> <p>2 Q. How many times you can request clip art?</p> <p>3 A. Sure, yes.</p> <p>4 Q. It has nothing to do with calls, like phone</p> <p>5 calls?</p> <p>6 A. I don't think so, no. The Noun Project is --</p> <p>7 if I'm correct, the Noun Project is related to clip</p> <p>8 arts. I mean, you can probably Google the</p> <p>9 NounProject.com, but I think I'm a hundred percent sure</p> <p>10 it's related to clip arts.</p> <p>11 Q. Okay. Now I want to ask you a little bit</p> <p>12 about -- well, before I do.</p> <p>13 (Zaappaaz Exhibit Number 75 was marked for</p> <p>14 identification.)</p> <p>15 BY MS. SCHAEFER:</p> <p>16 Q. So I have marked this as Exhibit 77 [sic], and</p> <p>17 this is a WhatsApp between you and Priyank. And I want</p> <p>18 you to look at 10:02:33 at the bottom of this page.</p> <p>19 I'm sorry, 10:02:33. And you say, "Can we stop the</p> <p>20 feedback e-mail for shopper approved for now."</p> <p>21 Priyank: "I will remove shopper approved review</p> <p>22 process." Why did you want it stopped on April 12th?</p> <p>23 A. Because we were exceeding our e-mail limits</p> <p>24 already with our mail that was going out as well.</p> <p>25 Q. Tell me what Shopper Approved is again.</p>	<p style="text-align: right;">694</p> <p>1 documents?</p> <p>2 A. I did. I didn't use much of Slack, but, yes, I</p> <p>3 did.</p> <p>4 Q. Did you, Zaappaaz, search Trello?</p> <p>5 A. We did.</p> <p>6 Q. Did you search Dropbox?</p> <p>7 A. What box?</p> <p>8 Q. Dropbox.</p> <p>9 A. I don't know if we use Dropbox.</p> <p>10 Q. Did you use it or -- because I have seen in a</p> <p>11 lot of the WhatsApp, you know, references to Dropbox in</p> <p>12 links --</p> <p>13 A. I don't think Zaappaaz has Dropbox.</p> <p>14 Q. Does not use it?</p> <p>15 A. Yeah, I mean, not that I know of.</p> <p>16 Q. What about your e-mail systems?</p> <p>17 A. Correct, we did.</p> <p>18 Q. What is Zen Desk?</p> <p>19 A. Zen Desk is like a CRM platform, customer</p> <p>20 management platform. I don't think we ever integrated</p> <p>21 Zen Desk.</p> <p>22 Q. Integrated it with what?</p> <p>23 A. To our processes.</p> <p>24 Q. So do you not use it?</p> <p>25 A. No.</p>

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1 **Q. You don't use it?**
 2 A. We do not use it, no.
 3 **Q. Upwork, what is that?**
 4 A. Upwork is you find third-party contractors on
 5 Upwork.
 6 **Q. Twilio?**
 7 A. Twilio is just an application that provides SMS
 8 services.
 9 **Q. So would it be searchable? Would it even be**
 10 **something you search?**
 11 A. No. I mean, it's basically if you place an
 12 order, Twilio automatically just sends you an e-mail
 13 saying thank you for placing an order. It's just an
 14 automated SMS platform.
 15 **Q. Was a litigation hold ever issued?**
 16 A. I'm sorry, say that again.
 17 **Q. A litigation hold?**
 18 A. Litigation hold?
 19 **Q. Yes. In other words, a notice to the company**
 20 **after we filed -- the FTC filed the lawsuit telling**
 21 **company employees, contractors not to delete otherwise**
 22 **relevant information, are you aware of anything like**
 23 **that being sent out?**
 24 A. I'm sorry, rephrase that whole thing again.
 25 **Q. A litigation hold is sent out after a lawsuit**

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1 **is filed to ensure that parties retain and don't**
 2 **destroy, either intentionally or in the normal course**
 3 **of business, materials that will otherwise be relevant.**
 4 **And my question is, are you aware of any sort of**
 5 **litigation hold that was issued?**
 6 MR. BLANCHARD: Objection. Form.
 7 THE WITNESS: I'm not.
 8 BY MS. SCHAEFER:
 9 **Q. What are your retention -- record retention**
 10 **policies?**
 11 A. We don't have one.
 12 **Q. Documents automatically get deleted over time?**
 13 A. They are probably flushed based on storage
 14 space, yeah.
 15 **Q. And I notice when I was looking at WhatsApp**
 16 **transactions that I did see a lot of deleted, deleted,**
 17 **deleted, and I'm just wondering what does that mean**
 18 **when you see deleted on a WhatsApp transcript?**
 19 A. That's a WhatsApp thing, I guess. I don't
 20 know.
 21 MR. BLANCHARD: Objection. Calls for
 22 speculation.
 23 (Zaappaaz Exhibit Number 76 was marked for
 24 identification.)
 25 BY MS. SCHAEFER:

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1 **Q. I have marked this as 78 [sic]. This is from**
 2 **Khalil to Owen listing all the domains. And I'm**
 3 **wondering are these all of wristband.com's domains?**
 4 A. That is correct.
 5 **Q. And do all of these sell covered products?**
 6 A. These are not all Wristband domains. Let me
 7 reclarify. Stealthmodehub.com, I don't know if that
 8 even exists, but, no, that's not Wristband related.
 9 The rest of them are, correct.
 10 **Q. So I can't find this transcript between Priyank**
 11 **and you that I wanted to, so I'm just going to read you**
 12 **this statement he said to you, and I'm just going to**
 13 **ask if you know what he's talking about. So he says,**
 14 **We have to buy -- this is, I think, in August. We have**
 15 **to buy a domain which have nothing to do with AWS**
 16 **environment and Wristband owner.**
 17 **What is AWS environment?**
 18 A. AWS is Amazon Web Services. It's our web
 19 server, where it's located.
 20 **Q. And is Wristband owner you?**
 21 A. What was your question again?
 22 **Q. He said, We have to buy a domain which have**
 23 **nothing to do with AWS environment and Wristband owner.**
 24 A. Are you asking me to elaborate on that?
 25 **Q. I'm asking you what that means.**

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1 MR. BLANCHARD: Objection. Calls for
 2 speculation.
 3 Go ahead.
 4 THE WITNESS: So whenever you have an e-mail
 5 marketing, you don't ever want to send it out using
 6 your own domain because your domain can get
 7 blacklisted. It's a standard practice throughout the
 8 industry. If you get an e-mail marketing from, let's
 9 say, Company XYZ, they will never use XYZ.com. They'll
 10 use something else. I think what we did was, in this
 11 case, we bought WristbandMail.com to use for our e-mail
 12 marketing so we don't -- if we do get blacklisted, that
 13 domain specifically gets blacklisted. I think that's
 14 what he's referring to.
 15 BY MS. SCHAEFER:
 16 **Q. Between March and, let's say, today, did Google**
 17 **ever suspend your account?**
 18 A. Immediately after the case, yes, or when the
 19 case was issued.
 20 **Q. Why did they suspend it?**
 21 MR. BLANCHARD: Objection. Calls for
 22 speculation.
 23 THE WITNESS: I believe we got an e-mail from
 24 Google that it was because of the case.
 25 BY MS. SCHAEFER:

<p style="text-align: right;">699</p> <p>1 Q. And how long were you suspended?</p> <p>2 A. We are still suspended.</p> <p>3 Q. So what does that mean?</p> <p>4 A. We are suspended.</p> <p>5 Q. So can you not use Google?</p> <p>6 A. We can. We can use it in our different domain.</p> <p>7 Not our specific wristband.com domain.</p> <p>8 Q. And can you not -- well, are all of Zaappaaz's</p> <p>9 domains suspended?</p> <p>10 A. No.</p> <p>11 Q. Which ones?</p> <p>12 A. Wrist-band.com.</p> <p>13 Q. Tell me, when you are suspended, what does that</p> <p>14 mean?</p> <p>15 MR. BLANCHARD: Objection. Form. Calls for</p> <p>16 speculation.</p> <p>17 THE WITNESS: I don't know. You would have to</p> <p>18 read their terms and conditions. We are just not able</p> <p>19 to do anything on that account. So we were advised to</p> <p>20 open another account. It was as simple as that.</p> <p>21 BY MS. SCHAEFER:</p> <p>22 Q. Open -- what does it mean to open another</p> <p>23 account?</p> <p>24 A. Create another Google account.</p> <p>25 Q. So you are allowed to create another Google</p>	<p style="text-align: right;">701</p> <p>1 A. We open an account and we advertise.</p> <p>2 Q. Were you still able to advertise on Google for</p> <p>3 other Zaappaaz-related companies selling covered</p> <p>4 products that were not wristband.com?</p> <p>5 MR. BLANCHARD: Objection. Form.</p> <p>6 THE WITNESS: Correct.</p> <p>7 BY MS. SCHAEFER:</p> <p>8 Q. So what sites would that include? Would it be</p> <p>9 the Custom Lanyard?</p> <p>10 MR. BLANCHARD: Compound question.</p> <p>11 THE WITNESS: What was the question?</p> <p>12 BY MS. SCHAEFER:</p> <p>13 Q. My question was, so what other DBAs or websites</p> <p>14 related to Zaappaaz would still be able to operate with</p> <p>15 Google after you were suspended?</p> <p>16 A. All domains are operable.</p> <p>17 MS. SCHAEFER: I think I'm done.</p> <p>18 MR. BLANCHARD: Just in the nick of time.</p> <p>19 EXAMINATION</p> <p>20 BY MR. BLANCHARD:</p> <p>21 Q. Azim, first of all, I want to go back and talk</p> <p>22 generally about some of the questions you got asked</p> <p>23 today. One of them was about a bunch of WhatsApp</p> <p>24 transcripts. Do you remember that?</p> <p>25 A. I do.</p>
<p style="text-align: right;">700</p> <p>1 account --</p> <p>2 A. That's how we were advised by the Google rep,</p> <p>3 yes.</p> <p>4 Q. Under a different name?</p> <p>5 A. Same name.</p> <p>6 Q. So you can still use wristband.com, but it has</p> <p>7 to be under another account number; is that right?</p> <p>8 A. You'd have to ask Google that. I don't know if</p> <p>9 it it's right or not, but that's what we were advised.</p> <p>10 Q. I guess I'm trying to understand what that</p> <p>11 means. Did you ever receive anything in writing from</p> <p>12 Google related to this?</p> <p>13 A. I believe so.</p> <p>14 Q. And why didn't you produce it?</p> <p>15 MR. BLANCHARD: Objection. Form. Assumes</p> <p>16 facts not in evidence.</p> <p>17 THE WITNESS: I don't know. I mean, I'm more</p> <p>18 than happy to produce it if there was something in</p> <p>19 writing. No problem.</p> <p>20 BY MS. SCHAEFER:</p> <p>21 Q. So I guess I'm still trying to understand. So</p> <p>22 you had an account with Google for wrist-band.com. So</p> <p>23 are accounts tied to websites? Google accounts?</p> <p>24 A. I don't know on Google's side.</p> <p>25 Q. What do you know in terms of on your side?</p>	<p style="text-align: right;">702</p> <p>1 Q. As we were looking through that, how did you</p> <p>2 feel when you were being asked about the negative</p> <p>3 things but not the positive things that were in there?</p> <p>4 A. Targeted.</p> <p>5 Q. Because it's pretty clear from those</p> <p>6 transcripts that you cared about your employees in</p> <p>7 India, didn't you?</p> <p>8 A. I did.</p> <p>9 Q. And when they came to you and told you stuff</p> <p>10 was going on, what did you do?</p> <p>11 A. I made sure safety was number one.</p> <p>12 Q. Did you ever tell anybody to lie to the</p> <p>13 customers?</p> <p>14 A. I did not.</p> <p>15 Q. And is that sort of your business model? You</p> <p>16 have been doing this for a while. Tell us a little bit</p> <p>17 about your story and your background.</p> <p>18 A. I have been 14 years in the company. No</p> <p>19 company survives this long if we are going to be frauds</p> <p>20 out there, so we do right to our customers, and we have</p> <p>21 over 300,000 reviews, independent reviews on Shopper</p> <p>22 Approved. So the story tells itself.</p> <p>23 Q. So specific things, you didn't know what a</p> <p>24 litigation hold letter was, did you?</p> <p>25 A. I did not.</p>

<p style="text-align: right;">703</p> <p>1 Q. So just to give you some background on that, if</p> <p>2 you are a big company like Coca-Cola and you get sued,</p> <p>3 obviously you got to let people know not to destroy</p> <p>4 documents related to the lawsuit. Do you understand</p> <p>5 that?</p> <p>6 A. I do.</p> <p>7 Q. So in your company, you are the one in charge?</p> <p>8 A. I am.</p> <p>9 Q. Have you destroyed any documents related to</p> <p>10 this lawsuit?</p> <p>11 A. I have not.</p> <p>12 Q. Have you seen all of the requests for</p> <p>13 production that have been issued in this case, Zaappaaz</p> <p>14 and you personally?</p> <p>15 A. Yes.</p> <p>16 Q. Have you done your best to give us all the</p> <p>17 documents?</p> <p>18 A. I have.</p> <p>19 Q. Have any of the documents that were responsive</p> <p>20 to those requests for production been destroyed?</p> <p>21 A. No.</p> <p>22 Q. So there are also documents available on</p> <p>23 third-party platforms, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Would you be happy to sign an authorization</p>	<p style="text-align: right;">705</p> <p>1 Q. Was it your intent to delay refunds in making</p> <p>2 this statement at 12:03:30 p.m.?</p> <p>3 A. Never.</p> <p>4 Q. Let's go to page 11 now. Still in 67, page 11.</p> <p>5 I want to go to page -- come down right here. I can't</p> <p>6 find it, but there were several instances where it was</p> <p>7 implied that you didn't have -- well, essentially you</p> <p>8 didn't have inventory. Do you recall that?</p> <p>9 A. I do.</p> <p>10 Q. And when you advertise stuff as in stock, did</p> <p>11 Zaappaaz have access to it to put it in FedEx's hands</p> <p>12 to the customers?</p> <p>13 A. We had it at all times.</p> <p>14 Q. You talked about prioritizing essential work</p> <p>15 orders. Do you remember that testimony?</p> <p>16 A. I do.</p> <p>17 Q. Tell us more about that and why you did that?</p> <p>18 A. I think Zaappaaz was one of the crucial</p> <p>19 companies providing to city governments. We received a</p> <p>20 letter from the City of Houston. We provided it to</p> <p>21 hospital districts. We provided it to local Sugarland.</p> <p>22 We provided a whole PPE kit program to Sugarland. So</p> <p>23 that's pretty apparent we followed what the government</p> <p>24 was requesting.</p> <p>25 Q. You were asked about a, quote/unquote, protocol</p>
<p style="text-align: right;">704</p> <p>1 letting the government go and get those records</p> <p>2 straight from that third party?</p> <p>3 A. Hundred percent.</p> <p>4 Q. So have you done your best to gather all, as</p> <p>5 much information as you can from those third-party</p> <p>6 platforms?</p> <p>7 A. As much as they can give us.</p> <p>8 Q. Can you pull Exhibit Number 67, please.</p> <p>9 A. Okay.</p> <p>10 Q. Let's go to page 12.</p> <p>11 A. Okay.</p> <p>12 Q. 12:03:30.</p> <p>13 MS. SCHAEFER: Hold on. I'm not there yet.</p> <p>14 What page?</p> <p>15 MR. BLANCHARD: Page 12, 12:03:30.</p> <p>16 BY MR. BLANCHARD:</p> <p>17 Q. All this is, if I understood correctly, tell me</p> <p>18 if I heard you correctly, you had to go into Shipping</p> <p>19 Easy before a refund was processed or at least that was</p> <p>20 the most efficient way to do it; is that right?</p> <p>21 A. That's correct, because there's two different</p> <p>22 units. There's a shipping unit and there's the refund</p> <p>23 unit on the inside. So two different units don't</p> <p>24 communicate well, but we needed to cancel here first</p> <p>25 before we issued a refund there.</p>	<p style="text-align: right;">706</p> <p>1 for delay of refund. Do you recall those questions?</p> <p>2 A. I do.</p> <p>3 Q. So I mean, it's not easy to sit here and say</p> <p>4 what is the exact policy or procedure, but when it was</p> <p>5 apparent that a refund was going to be issued, was the</p> <p>6 protocol to get it done as soon as you could?</p> <p>7 A. As soon as we could, and usually that was the</p> <p>8 same day, but if people really understand what was</p> <p>9 happening in March, April and May, things were going up</p> <p>10 and down, so we just worked with what forces we had and</p> <p>11 did as much as we could as quick as possible.</p> <p>12 Q. In the data that you have produced, so this is</p> <p>13 to the government and it's literally gigabytes upon</p> <p>14 gigabytes, thousands of pages, tens of thousands of</p> <p>15 different documents, in that data it showed here your</p> <p>16 gross sales, would you agree?</p> <p>17 A. Yes.</p> <p>18 Q. Now, is the gross sales total equivalent to the</p> <p>19 profit that Zaappaaz made on those sales?</p> <p>20 A. Not even close.</p> <p>21 Q. So what kinds of things needed to go into the</p> <p>22 calculation of Zaappaaz's profit on those sales?</p> <p>23 A. One of the biggest ones is obviously ad costs,</p> <p>24 which is probably 50 percent of our gross. These are</p> <p>25 numbers I'm throwing out, but logistics is the second</p>

<p style="text-align: right;">707</p> <p>1 biggest expense, and then there's other things, rent 2 and all that stuff, but those are the top three. And 3 fraud was a huge debt to our profits as well. 4 Q. Tell me a little bit more about that, when you 5 say fraud is a huge impact. 6 A. The PPE industry, if anybody was in it, they 7 will tell you the number one thing was fraud. People 8 were saying they had gloves that didn't have gloves. 9 People were saying they had goods that didn't have 10 goods, and people were basically saying -- shipping the 11 goods, I'll pay you later. And we had a lot of 12 customers that paid with disallowed credit cards and 13 the chargeback came as fraudulent. So we ate the 14 charge and we ate the cost of the goods. 15 Q. And still they got the goods? 16 A. Somebody got the goods. 17 Q. Occasionally there was a late delivery. Has 18 anybody ever called you and said, you know, I got my 19 mask that was two days late; I don't want to do anymore 20 business like that because it was two days late? 21 A. No, it was the reverse. We got customers that 22 called to say we understand the situation, what is 23 happening with our order. 24 Q. Pretty reasonable, right? 25 A. I think so.</p>	<p style="text-align: right;">709</p> <p>1 subpoena out there. 2 A. Yeah. 3 Q. So I just wanted to make sure and clarify that. 4 MR. BLANCHARD: We'll reserve the rest of our 5 questions. 6 MS. SCHAEFER: Okay. 7 MR. BLANCHARD: We are done, right? 8 MS. SCHAEFER: Yes. 9 (Reading and signature not waived.) 10 (Whereupon, the proceedings at 7:14 p.m., were 11 concluded.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">708</p> <p>1 Q. Have you searched Google Drive for documents 2 responsive to the government's request for production? 3 A. I have. 4 Q. Have you given me all the documents that you 5 have pulled that were responsive? 6 A. I have. 7 Q. You, in fact, have given me all of the e-mails 8 related to this? 9 A. Yes. 10 Q. I spent a lot of hours and billed you a lot of 11 time going through and figuring out which ones were 12 about PPE, didn't I? 13 A. That's true. 14 Q. So have you given me all of the e-mails that 15 Zaappaaz and you individually have related to any sale 16 of covered products? 17 A. Yes. 18 Q. You don't recall being served with a subpoena 19 by the Texas Attorney General, do you? 20 A. I do not think so. 21 Q. But if you are wrong about that, you are wrong 22 and it is whatever it is, right? 23 A. I guess so. 24 Q. I don't know whether it was or not. I'm 25 assuming by the government's question there was some</p>	<p style="text-align: right;">710</p> <p>1 CERTIFICATION OF REPORTER 2 DOCKET/FILE NUMBER: 4:20-cv-02717 3 CASE TITLE: FTC v. ZAAPPAAZ, LLC, et al. 4 DATE: DECEMBER 14, 2021 5 6 I HEREBY CERTIFY that the transcript 7 contained herein is a full and accurate transcript of 8 the notes taken by me at the hearing on the above cause 9 before the FEDERAL TRADE COMMISSION to the best of my 10 knowledge and belief. 11 12 DATED: 1/3/2022 13 14 15 DEBORAH WEHR, RPR 16 17 18 19 20 21 22 23 24 25</p>

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1 CERTIFICATE OF WITNESS

2
3 I hereby certify that I have read and
4 examined the foregoing transcript, and the same is a
5 true and accurate record of the testimony given by me.
6

7 Any additions or corrections that I feel are
8 necessary, I will attach on a separate sheet of paper
9 to the original transcript.

10 I hereby certify, under penalty of perjury,
11 that I have affixed my signature hereto
12 on the date so indicated.

13 DATED:
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17 AZIM MAKANOJIYA
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1 WITNESS: AZIM MAKANOJIYA

2 DATE: DECEMBER 14, 2021

3 CASE: FTC V. ZAAPPAAZ, ET AL.

4 Please note any errors and the corrections thereof on
5 this errata sheet. The rules require a reason for any
6 change or correction. It may be general, such as "To
7 correct stenographic error," or "To clarify the
8 record," or "To conform with the facts."

9 PAGE LINE CORRECTION REASON FOR CHANGE
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